

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - W.S Evna Road, * ZONING COMMISSIONER
NW/S BGE Tower Line *
(17234 & 17236 Evna Road) *
7th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
* Case No. 97-229 -SPHA
E. Walter Bell, Jr., *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner upon an Order to Remand from the County Board of Appeals of Baltimore County, dated April 9, 1998. The Order to Remand was granted in response to Petitioner's Motion, the Board of Appeals having jurisdiction over the case as a result of an appeal, noted by Petitioner, of my Order, dated March 11, 1997. In the interim, certain issues from the Order of March 11, 1997, were the subject of correspondence between Petitioner's counsel and the Zoning Commissioner, dated March 26, 1997.

The matter originally came before the Zoning Commissioner as Petitions for Special Hearing and Variance for the lands collectively known as the Bell Property. The original Petitions sought the following relief

1. The approval of a non-density transfer of two parcels, identified as Parcels 1 and 2 and consisting of 1.123 acres and 0.103 acres, respectively, to the property known as 17234 Evna Road, which presently consists of .574 acres. (These requests were granted by the Order of march 11, 1997, and undisturbed by this remand and reconsideration.)
2. A determination as to whether the relocation of a dwelling known as 17236 Evna Road onto proposed Parcel A would be considered a subdivision of the property into a fourth lot. (Such a relocation onto proposed Parcel A was deemed

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to be a subdivision.) 1. The approval of existing accessory structures on a parcel that does not contain a principal use structure. (This request was denied.)

3. A determination as to whether the separation of a fourth land area, identified as Parcel A, should generate review under Section 26-171 of the Development Regulations as a major subdivision or is exempt under Section 26-170 (Land for Agricultural Purposes), and is, therefore, a minor subdivision. (Such a separation would be deemed a major subdivision.)

4. Petitioner sought variance relief from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations as follows:

a. To permit a setback of 0 feet in lieu of the required 25 feet for an existing dwelling; (Granted)

b. To permit setbacks of 0 feet and 18 feet in lieu of the required 25 feet for an existing barn; (Granted)

c. To permit setbacks of 6 ft and 18 feet in lieu of the required 25 feet each for existing Farm Shed 2, a setback of 20 feet in lieu of the required 25 feet for existing Farm Shed 3, and a setback of 15 feet in lieu of the required 25 feet for existing Farm Shed 04. (Granted)

The subject property and relief sought under the original petitions are more particularly described on site plan submitted which we accepted and marked into evidence as Petitioner's Exhibit 1.¹

A public hearing was held on May 12, 1998. Appearing at the hearing on behalf of the Petitions were E. Walter Bell, Jr., property owner, Bruce E. Doak, with Gerhold, Cross & Etzel, who prepared the site plan for the property, and

¹ I noted in my original order that the site plan was not signed and sealed by a surveyor, engineer, architect or landscape architect. I noted, rightly, that the absence of a seal was noteworthy in view of the history of the property and unusual location of improvements thereon.

CAMERA RECEIVED FOR FILING

Date

By

MICROFILMED

Deborah C. Dopkin, Esquire, attorney for Petitioner. No other persons appeared at the hearing.

Much of the complexity involved in the original hearing arose as a result of the history of the property, its improvements and that of an adjoining BGE property. The Bell property itself is an irregularly shaped parcel with frontage on Evna Road in northern Baltimore County. In its entirety, the property consists of 84.831 acres, more or less, zoned R.C. 4. The Present owner acquired the site from Loyola College by deed dated September 6, 1996 and recorded among the Land Records of Baltimore County in Liber S.M. 11789 folio 040, and then sought to develop a portion as a minor subdivision of three lots, reserving a conservancy parcel, identified as Parcel A, for agricultural use. Though the BGE property (owned in fee by BGE) bisects the Bell Property, Mr. Bell's deed expressly conveys rights to him to "cross said parcel...extend roads ... and the right to farm and use the same in any other manner" so long as the use does not interfere with the BGE facilities on the parcel.

The plan accompanying the original Petition showed certain improvements on the BGE parcel encroaching on the Bell Property. Petitioner, by his counsel, has researched the title history of both parcels. The deed conveying the parcel to BGE, dated February 26, 1969 and recorded among the Land Records of Baltimore County in Liber 4970 folio 716, includes plats showing the location of the BGE parcel and of the improvements thereon. An examination of the plat attached to the deed and Petitioner Exhibit 1 reveals inconsistencies as to the location of the improvements vis a vis the common property line. Petitioner now attempts to reconcile these by asserting that the BGE deed, as a matter of record, should be relied on as determinative of the location of the property line between the BGE parcel and the Bell Property, and of the location of the improvements on the BGE

parcel. Any rights which Mr. Bell may have to the use of the house arise by virtue of a contract and subsequent lease between Mr. Bell and BGE.

Relying on the BGE deed, Petitioner seeks to modify the relief requested in the following manner:

1. Withdraw the request for a determination regarding the relocation of the house, since that house has been determined to lie entirely within the BGE parcel, and not at all on the Bell Property;

2. Withdraw the request for a determination whether the separation of the land identified as Parcel A, should generate review under Section 26-171 of the Development Regulations as a major subdivision or is exempt under Section 26-170 (Land for Agricultural Purposes), and therefore, is a minor subdivision;

3. Withdraw the request for variance relief "a" above since the improvements lie entirely within the BGE parcel.

4. Permit the relocation of an existing farm road on the Bell Property as consistent with the R.C. 4 provisions and the acreage requirements of the B.C.Z.R.

Petitioner also requests approval of the realignment of an interior farm road serving the property in order to improve grades and minimize land disturbance to the Proposed Parcel A, which if approved would result in better protection of natural resources in a manner consistent with B.C.Z.R. §1A03.5.H.

Relying on the BGE deed, the issues involving the house become moot, and the only remaining issues involve proposed Parcel A: whether its separation is exempt pursuant to §26-171(6) (as discussed in the letter of March 26, 1997) of the Development Regulations and whether to allow accessory structures on Parcel A.

With respect to these issue, testimony was offered that, since the house

(which was to be relocated on Parcel A) is not being so moved, proposed Parcel A may exist as a conservancy parcel and be used entirely for agricultural use. In fact, the land comprising Parcel A is now used principally for agricultural purposes in conjunction with the intervening BGE property and adjoining lands belong to Mr. Bell. Petitioner testified that the accessory structures, all of which are existing, are used in connection with the principal agricultural use of Parcel A. Further testimony was presented that there will be no residential development or dwelling on Parcel A.

Turning to the Petition for Special Hearing, and based on the evidence presented, I find that the BGE deed to be determinative of the location of the property boundary and improvements, and that the existing house lies exclusively on the BGE property. Based on the deed to Petitioner, the rights granted to Bell to utilize and farm the BGE property create a contiguous agricultural use with Parcel A, and as such the existing farm outbuildings buildings are accessory in nature and support the principal permitted use.

In sum, based on the testimony presented, I am persuaded that the house known as 17236 Evna Road lies exclusively on property owned by BGE, as evidenced by the deed for that property. Further, based on the deed for the Bell Property and the rights accruing to that Property to use the BGE property for farm purposes, I find that the principal use of Parcel A is for contiguous and uninterrupted agricultural purposes. Based on that use, the existing accessory structures located on Parcel A are permitted as accessory to the principal agricultural use.

ORDER RECEIVED FOR FILING
Date 7/6/98
By [Signature]
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of July, 1998, that the Petition for Special Hearing to relocate the dwelling known as 17236 Evna Road onto Proposed Parcel A, be and is hereby,

DISMISSED; and

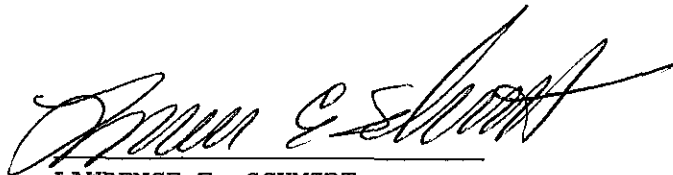
IT IS FURTHER ORDERED that the separation of a fourth land area, identified as Parcel A, is exempt pursuant to Section 26-171 of the Development Regulations, and as such, the Petition for special Hearing is deemed MOOT, and is DISMISSED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow existing accessory structures on a parcel that does not contain a principal use structure, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the interior farm road serving the property be relocated as shown on the plan; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) To permit a setback of 0 feet in lieu of the required 25 feet for an existing dwelling is hereby deemed MOOT, and is DISMISSED, all subject to the following restrictions:

- 1) A note be added to Petitioner's site plan that proposed Parcel A is for non-residential purposes only; At such time as a residential use for Parcel A is proposed, Petitioner must submit to the requirements of the Baltimore County Development Regulations;
- 2) Petitioner submit a red-lined plan (to be identified as Petitioner's Exhibit 1A) consistent with this Order;
- 3) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
For Baltimore County

ORDER RECEIVED FOR FILING
Date 7/6/98
By Mr. Horak



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 6, 1998

Deborah C. Dopkin, Esquire, P.A.
409 Washington Avenue, Suite 920
Towson, Maryland 21204

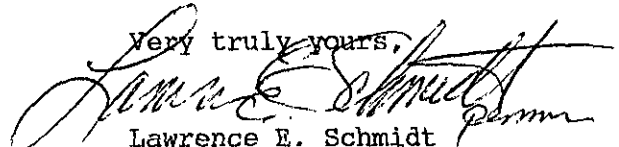
RE: Petitions for Special Hearing and Variance
Property of Walter E. Bell
Case No. 97-229-SPHA

Dear Mrs. Dopkin:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.



IN THE MATTER OF
THE APPLICATION OF
E. WALTER BELL, JR. -PETITIONER
FOR SPECIAL HEARING AND VARIANCE
ON PROPERTY LOCATED ON THE W/S
EVNA ROAD, NW/S BG&E TOWER LINE
(17234 AND 17236 EVNA ROAD)
7TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 97-229-SPHA

* * * * *
RULING ON APPELLANT /PETITIONER'S MOTION FOR REMAND

This matter comes before this Board on appeal filed by Appellant /Petitioner, Walter Bell, from a decision of the Zoning Commissioner dated March 11, 1997, in which the subject request for special hearing and variance relief was granted in part and denied in part. By correspondence dated March 26, 1997, the Zoning Commissioner for Baltimore County denied a Motion to Reconsider from Petitioner, but suggested Petitioner consider alternative approaches to those matters raised in the Petitions, but which the Zoning Commissioner denied.

On or about April 10, 1997, Petitioner noted a timely appeal of the Order of the Zoning Commissioner to this Board. Subsequently, Petitioner revised the plat for the subject property to conform with the matters raised in correspondence from and discussions with the Zoning Commissioner.

After a postponement request was granted on July 18, 1997, an entry of appearance was filed by Deborah C. Dopkin, Esquire, on behalf of Petitioner, along with a subsequent "Motion for Remand" filed with this Board on February 2, 1998.

A public hearing was conducted by this Board on Tuesday, March 31, 1998 at which time Counsel for Petitioner offered argument in support of the Remand.

Public deliberation followed the hearing, at which time the

Board made a unanimous decision to remand the case back to the Zoning Commissioner in light of the revised plat relative to the subject property that seeks to conform with the matters raised in correspondence from and discussions with the Zoning Commissioner. The Board notes no objection raised by the Office of People's Counsel for Baltimore County, nor any Protestants appearance at the original hearing. The requested remand is required in the manifest interest of justice and would be without injury to any party other than Petitioner, no other interested parties having come forth in these proceedings.

WHEREFORE, upon consideration of Petitioner's Motion to Remand and after public hearing and deliberation, there being no opposition thereto, it is this 9th day of April, 1998, by the County Board of Appeals of Baltimore County

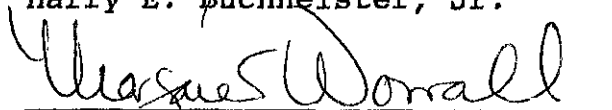
ORDERED that the Motion be, and it is hereby GRANTED; and it is further

ORDERED that the above captioned case is REMANDED to the Zoning Commissioner for Baltimore County for further consideration of Petitioner /Appellant's Plan.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Charles L. Marks, Acting Chairman


Harry E. Buchheister, Jr.


Margaret Worrall

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

April 9, 1998

Deborah C. Dopkin, Esquire
920 Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: Case No. 97-229-SPHA
E. Walter Bell, Jr. -Petitioner
Ruling on Petitioner's Motion for Remand

Dear Ms. Dopkin:

Enclosed please find a copy of the Ruling on Appellant /Petitioner's Motion for Remand issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: E. Walter Bell, Jr.
Bruce Doak /Gerhold, Cross & Etzel
Alexandra McMahan /Valleys Planning Council
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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IN RE: PETITION FOR SPECIAL	*	BEFORE THE COUNTY
HEARING and PETITION		
FOR VARIANCE,	*	BOARD OF APPEALS
17234 and 17236 Evna Road		
7 th Election District	*	FOR BALTIMORE COUNTY
	*	
	*	CASE No. 97-229-SPHA
E. WALTER BELL, JR.		
Appellant	*	

* * * * *

MOTION FOR REMAND

Walter Bell ("Appellant"), by and through his undersigned legal counsel, hereby requests that the County Board of Appeals for Baltimore County ("Board"), remand the above-referenced case to the Zoning Commissioner for Baltimore County for further consideration and modification, and in support thereof states:

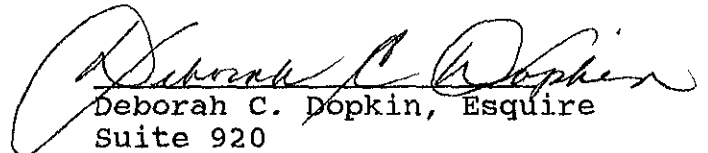
1. Appellant, as Petitioner, filed Petitions for Special Hearing and Variance for the above referenced property pursuant to the Baltimore County Zoning Regulations.
2. On March 11, 1997, the Zoning Commissioner for Baltimore County issued Findings of Fact and Conclusions Of Law granting in part and denying in part the Petitions.
3. The Zoning Commissioner for Baltimore County, in response to a Motion to Reconsider from then Counsel for Petitioner Newton A. Williams, Esquire, by correspondence dated March 26, 1997, denied the Motion to Reconsider, but suggested Appellant consider alternative approaches to those matters raised in the Petitions, but which the Zoning Commissioner denied.
4. On or about April 10, 1997, Appellant, noted an appeal of the Order of the Zoning Commissioner to the County Board of Appeals for Baltimore County.
5. Subsequently, Appellant revised the plat for the subject property to conform with the matters raised in correspondence from and discussions with the Zoning Commissioner.
6. Upon consideration of the issues on appeal, Appellant has authorized the undersigned counsel to request that this Board remand the matter to the Zoning Commissioner to afford Appellant the opportunity to amend the plat and modify the relief sought.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

7. The requested remand is required in the manifest interest of justice and would be without injury to any party other than Appellant, no other interested parties having come forth in these proceedings.

WHEREFORE, APPELLANT hereby respectfully requests that this Board remand the instant case to the Zoning Commissioner for modification and further consideration of Appellant's plat and such other and further relief as the nature of Appellant's case may require.

DEBORAH C. DOPKIN, P.A.


Deborah C. Dopkin, Esquire
Suite 920

409 Washington Avenue
Towson, Maryland 21204
(410) 494-8080

Attorney for Petitioner/Appellant

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 30th day of January, 1998, a copy of the foregoing Motion to Remand was mailed, postage prepaid to Peter M. Zimmerman, People's Counsel, 400 Washington Avenue, Courthouse, Towson, Maryland 21204.


Deborah C. Dopkin

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|-------------------------------|---|----------------------|
| PETITIONS FOR SPECIAL HEARING | * | BEFORE THE |
| AND VARIANCE | | |
| E. Walter Bell, Jr. | * | ZONING COMMISSIONER |
| Petitioner | | |
| Case No.: 97-229-SPHA | * | FOR BALTIMORE COUNTY |

* * * * *

MOTION FOR RECONSIDERATION

E. Walter Bell, Jr., Petitioner, by Newton A. Williams, and Nolan, Plumhoff & Williams, Chartered, his attorneys, respectfully files this Motion for Reconsideration for the consideration of the Zoning Commissioner, saying:

1. In the Findings of Fact and Conclusions of Law dated March 11, 1997, while some of the relief was granted, the Commissioner was troubled by the identification of "Parcel A", stating that it constitutes a fourth lot, which would prevent it being a "minor subdivision" under §126-171(b)(9) of the Baltimore County Code (1988 and Cum. Supp.).

2. The Petitioner has no wish to enter into a major subdivision, and to prevent Parcel A from being a fourth lot, Mr. Bell would propose to remove the present small lot around the log house, the so-called "donut hole" lot, there being two lots at present, i.e. the entire tract and the "donut hole" lot, 17234 Evna Rd.

3. The removal of the "donut hole" lot at 17234 Evna Road would properly relate the "log house" to the outbuildings. Further, it would not cause a problem because 17326 Evna Rd., the tenant house owned by BGE, would be forbidden as a part of this transaction and minor subdivision from being located onto the tract.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

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4. The possible "open building unit" which would have attached to Parcel A would now be eliminated and deferred until some time in the future in the event of a possible, later, major subdivision. The two primary points of Mr. Bell's Motion for Reconsideration, then, are:

(a) Elimination of the 17234 Evna Road, "Donut Hole" lot, and a merger of the present two lots into one; and

(b) The elimination of any proposed move of the BGE House onto Parcel A as enlarged as a part of this Subdivision.

(5) The original decision herein is dated March 11, 1997, and, thus, action on this Motion for Reconsideration is required before the expiration of the thirty (30) day appeal period on Thursday, April 11, 1997.

Respectfully submitted,

Newton A. Williams

Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 25th day of March, 1997, that a copy of the foregoing Motion for Reconsideration was mailed, postage prepaid, to Ms. Alexandra McMahon, The Valleys Planning Counsel, 212 Washington Avenue, Towson, Maryland 21204 and to Peter J. Zimmerman, Esquire, Peoples Counsel, Courthouse, Towson, Maryland 21204.

Newton A. Williams

Newton A. Williams

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

WILLIAMS

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - W/S Evna Road,
NW/S BG&E Tower Line
(17234 & 17236 Evna Road)
7th Election District
3rd Councilmanic District

E. Walter Bell, Jr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-229-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for the lands collectively known as the Bell Property. The property contains two dwellings, known as 17234 and 17236 Evna Road, and is located on the west side of Evna Road, in the vicinity of Mt. Carmel Road, in Parkton. The Petitions were filed by the owner of the property, E. Walter Bell, Jr., through his attorney, Newton A. Williams Esquire. Pursuant to the Petition for Special Hearing filed, the Petitioner seeks relief to approve a nondensity transfer of two parcels, identified as Parcels 1 and 2 and consisting of 1.123 acres and 0.103 acres, respectively, to the property known as 17234 Evna Road, which presently consists of .574 acres. If approved, the resultant lot size would be approximately 1.8 acres. The Petitioner also seeks a determination as to whether the relocation of the dwelling known as 17236 Evna Road onto proposed Parcel A would be considered a subdivision of the property into a fourth lot. Additionally, special hearing relief is sought to allow existing accessory structures on a parcel that does not contain a principal use structure. Lastly, the Petitioner seeks a determination as to whether the separation of a fourth land area, identified as Parcel A, should generate review under Section 26-171 of the Development Regulations as a major subdivision,

ORDER RECEIVED FOR FILING

Date

By

3/11/97

[Signature]

[Signature]

or is exempt under Section 26-170 (Land for Agricultural Purposes), and therefore, is a minor subdivision.

In addition to the special hearing relief sought, the Petitioner seeks variance relief from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: a) to permit a setback of 0 feet in lieu of the required 25 feet for an existing dwelling; b) to permit setbacks of 0 feet and 18 feet in lieu of the required 25 feet for an existing barn; c) to permit setbacks of 6 feet and 18 feet in lieu of the required 25 feet each for existing Farm Shed 2, a setback of 20 feet in lieu of the required 25 feet for existing Farm Shed 3, and a setback of 15 feet in lieu of the required 25 feet for existing Farm Shed 4. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1. 1

Appearing at the hearing on behalf of the Petitions were E. Walter Bell, Jr., property owner, Bruce E. Doak with Gerhold, Cross & Etzel, who prepared the site plan for this property, and Newton A. Williams, Esquire, attorney for the Petitioner. Alexandra McMahan appeared as an interested party on behalf of the Valleys Planning Council.

Both the factual history of the Bell property and the relief requested herein present some of the most complex issues which this Zoning

1 It is of note that the site plan submitted into evidence as Petitioner's Exhibit 1 is not signed and sealed by a surveyor, engineer, architect or landscape architect. Unlike development plans (Section 26-203(b)(H) of the Baltimore County Code), there is no requirement that the plan be professionally sealed. Nonetheless, the absence of a seal is noteworthy in view of the history of the property and unusual location of improvements thereon as set forth hereinafter.

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[Signature]

Commissioner has addressed. The layout of the site, as well as the relief requested requires a careful analysis of the property, its history, and the application of the B.C.Z.R.

The property itself is an irregularly shaped parcel with frontage on Evna Road in northern Baltimore County. The property, in its entirety, consists of 84.831 acres, more or less, zoned R.C.4. Apparently, the property was at one time owned by the Doehler Family and was ultimately bequeathed to Loyola College. The present owner, E. Walter Bell, Jr., acquired the site from Loyola and now seeks to develop a portion of same in accordance with Petitioner's Exhibit 1. An immediately noticable physical characteristic of the property which requires analysis is the fact that the original parcel has been split into two pieces by a strip of land owned by the Baltimore Gas and Electric Company (BG&E). Apparently, a number of years ago and prior to Mr. Bell's ownership, BG&E acquired land in the vicinity of this property for the purpose of establishing an electrical transmission line. As shown on the site plan, BG&E acquired a strip of land 400 feet in width which divided the subject property into two pieces. The larger piece sits to the north of the strip acquired by BG&E, and is unimproved. This piece consists of approximately 68.369 acres. The second piece, which lies to the south of the BG&E strip, is improved with the two dwellings, known as 17234 and 17236 Evna Road, and a number of outbuildings. This piece encompasses the balance of the overall tract and consists of approximately 16 acres. It is worth noting that BG&E's acquisition was in-fee. That is, BG&E did not acquire an easement to use its property, but actually owns fee-simple title to same.

The existence of the BG&E strip raises an immediate question; to wit, does the transection of the Bell property by the BG&E strip create two

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lots or one? Phrased another way, are the northern and southern pieces of the Bell property cumulatively one lot, or has the BG&E strip changed the Bell property into two lots of record, one on the north side and one on the south side?

In Gudeman, et al vs. People's Counsel, No. 396, Sept. Term, 1990, an unreported opinion, the Court of Special Appeals affirmed the Order of the Circuit Court for Baltimore County (Howe, Judge) that the construction of a public road across a parcel thereby dividing same into separate pieces did not constitute a subdivision of that lot. That is, the parcel remained a single lot, for density and other purposes. The property at issue was zoned R.C.2.

This case apparently spawned an amendment to the B.C.Z.R. in Section 1A01.3.B.1. This Section, which regulates subdivision lot density for R.C.2 land, states, in part, "In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way, or easements, the portions of land on either side of the road right-of-way, or easement, shall not be considered separate parcels for the purpose of calculating the number of lots of record..."

Admittedly, there is no similar language in that Section of the B.C.Z.R. which regulates the R.C.4 zone nor is the BG&E strip a public road, right-of-way, or easement. Nonetheless, BG&E's property is in the nature of a right-of-way, or easement, and is used accordingly. BG&E's property is utilized solely to locate its transmission lines and the improvements thereon are used by the Petitioner, as will be discussed

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By [Signature]

hereinafter. For these reasons, I conclude that the Bell property is but a single lot. 2

The overall scheme of Mr. Bell's plan is to develop the smaller piece on the south side of the BG&E strip. As noted above, that piece presently contains the two dwellings and several outbuildings thereon, and Mr. Bell's plan shows that three additional residential lots are to be created. In that this R.C.4 zoned land exceeds 10 acres in area, the cluster requirements for development in the R.C.4 zone are applicable. The northern piece, or larger parcel of the property (68.369 acres), is not proposed to be improved. This will become the lion's share of the designated conservancy area. It is also worth noting that Mr. Bell owns adjacent property to this northern piece. Apparently, that off-site tract is part of a conservancy area for another of Mr. Bell's developments. It was indicated at the hearing that it was Mr. Bell's opinion that these two conservancy areas are appropriately located in that one abuts another and therefore cumulatively provides a large area of undisturbed land.

If the above scenario is not factually complicated enough, an additional factor to be considered is the existence of an internal lot on the southern piece of the Bell property. In fact, this internal lot (which can be described as a hole in a donut), is the subject of the first request within the Petition for Special Hearing. Specifically, the Petitioner seeks approval of the nondensity transfer of additional acreage (1.226

2 It is also to be noted that the record made before me discloses no evidence that the Bell property is described in the Land Records of Baltimore County as anything other than one single parcel.

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DATE 3/11/99
BY [signature]

acres) to this parcel. The Petitioner's plan in this regard is appropriate and relief can be granted under the B.C.Z.R.

The donut hole lot is a parcel of land, 100 feet deep and 250 feet wide, containing 0.574 acres. It has no frontage on Evna Road or any other public street. Although the donut hole lot is owned by Mr. Bell, and is surrounded by other lands also owned by him, the donut hole lot, in and of itself, is landlocked. It is entirely surrounded by a separately described parcel, which contains the balance of the southern piece of the Bell property.

The Petitioner presented a deed at the hearing, taken from the Land Records of Baltimore County at Liber 4891, Page 507. That deed, which was recorded on June 27, 1968, clearly establishes that the donut hole parcel is a lot of record, as defined in Section 101 of the B.C.Z.R. Within that Section, that term is designated to mean a lot, or a piece of ground, with definitively described boundaries in a deed which was recorded in the Land Records of Baltimore County, prior to the adoption of the zoning regulations governing the use of such property.

That the donut hole-shaped lot was recorded in the Land Records of Baltimore County prior to the adoption of the R.C.4 zoning classification (1975) is manifest. Thus, for purposes of establishing rights of subdivision, development, etc., the donut hole lot is its own separate property, which must be evaluated independently from the balance of the Bell property.

In the Petition for Special Hearing, the Petitioner requests the addition of certain areas of land to the donut hole lot. To the north, a small piece measuring 45 feet in width by 100 feet in depth (.103 acres) will be added. To the south, an irregularly shaped parcel (1.123 acres in

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area) will be added. Cumulatively, after these additions, the donut hole lot will be approximately 1.8 acres in area. This new lot, which presently contains the dwelling known as 17234 Evna Road and an outbuilding accessory to same, will continue to be used to support that single dwelling. In my judgment, this portion of the special hearing relief should be granted. Having determined that the donut hole parcel is a lot of record, it is appropriate to permit Mr. Bell to add additional acreage to this small lot. I find that these additions will not be detrimental to the subject property or any adjacent property. Moreover, the relief which is requested will be consistent with the property's zoning classification. Thus, the Petition for Special Hearing in this respect shall be approved.

The second request within the Petition for Special Hearing relates to the balance of the Bell property. That balance includes the entire acreage to the north of the BG&E strip (68.369 acres), and acreage to the south of the BG&E strip, with the exception of the donut hole lot and the parcels to be added thereto. As noted above, all of the proposed improvements to the property will be contained within the southern piece. Excepting the dwelling on the donut hole lot (17234 Evna Road), the southern piece contains but one dwelling at the present time, that dwelling being known as 17236 Evna Road.

The precise location of that dwelling is another factor which complicates the issue. For practical purposes, the testimony and evidence presented demonstrated that the dwelling is owned by Mr. Bell and rented by him. It is considered to be located on his property and is part of the southern piece of land owned by him. In reality, however, only a small portion of the dwelling known as 17236 Evna Road is on the Bell property. Testimony revealed that this dwelling is very old and predates BG&E's

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acquisition of the strip. Apparently when that strip was acquired, the property line established transected the dwelling. As shown on the site plan, the majority of the dwelling is located on the BG&E property. BG&E has no interest in the dwelling for any practical purposes. They acquired the property in order to construct their transmission lines. Apparently, an informal arrangement exists between Mr. Bell and BG&E, that he can continue to utilize the dwelling and treat same as his own, notwithstanding the fact that the dwelling is located on BG&E's property. For so long as the house does not interfere with BG&E's transmission line, the utility apparently has no objection to Mr. Bell's occupancy and utilization of same.

The site plan evidences a possible relocation of that house south of the property line and fully onto the southern piece of land owned by Mr. Bell. In such an event, the Petitioner seeks a determination as to whether such relocation would be considered a subdivision of the property into a fourth lot. This fourth lot would be an addition to Lots 1, 2, and 3, which are proposed to be developed with single family dwellings.

The answer to this question is an unqualified "yes". Subdivision is defined in the development regulations (Section 26-168) as "The division of property into two or more lots, or the combination of lots, parcels, tracts, or other units of property previously divided, for the purpose, whether immediately or future, of sale, rental or building development." It is patently obvious that the relocation of the dwelling known as 17236 Evna Road would cause there to be located on the Bell property four separate lots, each with its own dwelling unit. Moreover, such relocation would render the property owner ineligible for an exemption under the development regulations, pursuant to Section 26-171(a)(6) of the Code.

That Section provides certain exemptions from the development regulations for the subdivision of land into three or fewer lots for residential single family dwellings. The relocation of the existing dwelling, plus the proposed three single family lots, equals four total residential lots, under any theory imaginable. Thus, in answer to the Petitioner's question, the relocation of the dwelling known as 17236 Evna Road onto proposed Parcel A would surely be considered a major subdivision of the property, subject to the development review regulations.

The next question presented within the Petition for Special Hearing seeks approval of existing accessory structures on a parcel that does not contain a principal use or structure. This request is driven by the actual location of 17236 Evna Road on the BG&E property. As noted above, the dwelling identified as 17234 Evna Road is located on its own separate lot of record (the donut hole lot), and thus, cannot be considered a principal structure for any outbuildings except those located on the 1.8 acre lot. There is no dwelling actually situated on the southern piece of the Bell property. However, there are a number of outbuildings located on that portion of the property. The site plan shows two additional sheds (Farm Shed No. 2 and Farm Shed No. 3) which are located thereon. Additionally, there exists a barn, which is primarily located on the Bell property, but also transected by the BG&E property line, and a separate structure (Farm Shed No. 1), which is entirely on the BG&E property.

Clearly, from a practical standpoint, these three farm sheds and the barn have traditionally been used as accessory structures to the dwelling known as 17236 Evna Road. They are no doubt incidental to that dwelling and are utilized by the occupant thereof.

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Date 3/11/97
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The property owner's dilemma results from the clear definition of accessory structures found within Section 101 of the B.C.Z.R. That definition specifically requires that any accessory structure be located on the same lot as the principal use or structure served. Unquestionably, Farm Shed No. 2, Farm Shed No. 3, and a significant portion of the barn are not located on the same lot as the dwelling known as 17236 Evna Road. Although the traditional use of these buildings is significant, the regulations do not allow this Zoning Commissioner to ignore property lines. Moreover, I do not believe it to be within this Zoning Commissioner's authority to variance this definition. The intent of the County Council in enacting this definition is clear; an accessory use must be located within the same lot as the principal use served. In that Farm Sheds Nos. 2 and 3 are clearly not located on the same lot, they cannot be considered accessory structures. Neither can the barn in that same is predominantly located on the Bell property. Thus, it would seem that the relocation of the dwelling known as 17236 Evna Road from the BG&E strip to the Bell property would be required in order to legitimize these accessory structures.

The last portion of the Petition for Special Hearing seeks a determination as to whether the separation of a fourth land area (identified as Parcel A) should generate review under Section 26-171 of the development regulations as a major subdivision, or is exempt under Section 26-170, Land for Agricultural Purposes, and is therefore, a minor subdivision.

As noted above, proposed Parcel A, which will contain lands both to the north and south of the BG&E strip, has been designated by the Petitioner as the conservancy area. Section 1A03.4B.1.b(1) allows for the construction of a single dwelling in the conservancy lot. Moreover, the conservancy lot, under the R.C.4 regulations, is considered a separate

lot. Additionally, there was no persuasive testimony that all of proposed Parcel A is utilized for active agricultural purposes. For all of these reasons, I find that the creation of Parcel A constitutes a fourth independent lot, thus triggering the application of the development regulations. With or without the relocation of the dwelling known as 17236 Evna Road onto the Bell property, Parcel A is a fourth lot and as such, would trigger development review.

Turning to the Petition for Variance, the Petitioner seeks a series of variances to legitimize the locations of existing structures. The variances all seek relief from Section 1A03.4.B.2 of the B.C.Z.R. which establishes minimum setback distances. The first variance seeks approval of a 0-foot setback from a property line in lieu of the required 25-foot distance for the dwelling known as 17236 Evna Road. For reasons set forth above, this request for variance is somewhat inconsistent with the actual conditions on the property, in that the dwelling straddles the property line.

Nevertheless, I will grant this variance. This grant will allow the property to be within 0 feet of the property line in lieu of the required 25 feet. However, in so granting, I do not confer any additional rights or otherwise legitimize the location of the structure. In my judgment, the location of part of the structure on the BG&E property is a matter for these neighboring property owners. My grant of the variance relief requested should not be construed to, in any manner, endorse the loose arrangement between BG&E and Mr. Bell, which allows him to occupy and utilize the dwelling which remains on BG&E's property. Nonetheless, from a technical standpoint, I do legitimize that section of the dwelling

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physically located on the Bell property to have a 0 foot setback from the property line.

I apply similar logic to the variance requested for the barn. Again, the Petitioner seeks a 0-foot setback, notwithstanding that the barn actually encroaches into the BG&E property. Setback relief is also requested for the barn to allow an 18-foot setback from the corner of that building to the reconfigured lot which contains 17234 Evna Road. Both of these variances will likewise be granted. Again, I do not endorse the encroachment of that portion of the barn which invades the BG&E property; however, that structure may remain where located, subject to BG&E's claims.

The other variances requested are for the other three outbuildings which are located entirely on the Bell property, namely Farm Sheds Nos. 2, 3, and 4. Each of these structures has a setback to an adjacent property line less than that required. None of these three buildings are on the BG&E property; however, setback relief is requested, either from the tract boundary or the internal property line created by the donut hole lot.

For all of these variances, I find that the uniqueness of the property, as described above, justifies variance relief. Moreover, the fact that these structures have existed in their present location for many years satisfies the practical difficulty requirement. To require the relocation of these buildings is impractical and without merit. Thus, the Petition for Variance shall be granted.

In sum, relief will be granted herein so as to designate the lot on which 17234 Evna Road is located as an independent lot of record and to allow the addition of two parcels to same to expand the area of that lot to 1.8 acres. Moreover, the Petition for Variance shall be granted. However, the balance of the Petition for Special Hearing must be denied.

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Date 3/1/97
By [Signature]

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The creation of three new building lots as shown on the plan, either with or without the relocation of 17236 Evna Road, forces the conclusion that the site will be divided into four lots. Such a subdivision mandates a finding that the plan features a major subdivision (4 lots or greater) as opposed to a minor subdivision (3 lots or less). Lastly, the accessory structures presently on the Bell property without a principal structure, cannot be legitimized.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested in the Petition for Special Hearing shall be granted in part and denied in part, and the Petition for Variance granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of March, 1997 that the Petition for Special Hearing seeking relief to approve a nondensity transfer of two parcels, identified as Parcels 1 and 2 and consisting of 1.123 acres and 0.103 acres, respectively, to the property known as 17234 Evna Road, which presently consists of .574 acres, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

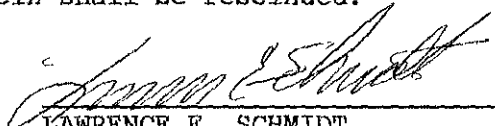
IT IS FURTHER ORDERED that the relocation of the dwelling known as 17236 Evna Road onto proposed Parcel A would be considered a subdivision of the property into a fourth lot, and as such, the Petition for Special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that the separation of a fourth land area, identified as Parcel A, should generate review under Section 26-171 of the Development Regulations as a major subdivision, and as such, the Petition for special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow existing accessory structures on a parcel that does not contain a principal use structure, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: a) to permit a setback of 0 feet in lieu of the required 25 feet for an existing dwelling; b) to permit setbacks of 0 feet and 18 feet in lieu of the required 25 feet for an existing barn; c) to permit setbacks of 6 feet and 18 feet in lieu of the required 25 feet each for existing Farm Shed 2, a setback of 20 feet in lieu of the required 25 feet for existing Farm Shed 3, and a setback of 15 feet in lieu of the required 25 feet for existing Farm Shed 4, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

March 11, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
W/S Evna Road, NW/S BG&E Tower Line
(17234 & 17236 Evna Road)
7th Election District - 3rd Councilmanic District
E. Walter Bell, Jr. - Petitioner
Case No. 97-229-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part, and the Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. E. Walter Bell, Jr.
1209 Continental Drive, Suite N, Abingdon, Md. 21009

Mr. Bruce Doak, Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Suite 100, Towson, Md. 21286

People's Counsel

✓ File

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| | | |
|--|---|----------------------|
| RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| PETITION FOR VARIANCE | | |
| 17236 Evna Road, NWS of BGE towerline | * | ZONING COMMISSIONER |
| at a distance of 200' SW from the center | * | |
| of Evna Road, 7th Election District, | * | OF BALTIMORE COUNTY |
| 3rd Councilmanic | * | |
| | * | CASE NO. 97-229-SPHA |
| E. Walter Bell, Jr. | * | |
| Petitioner | * | |
| * * * * * | | |

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumnoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
BALTIMORE COUNTY
CLERK OF COURT
JAN 2 1997



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #17236 Evna Road

which is presently zoned R.C. 4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 800.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(See attached Special Hearing Requests)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

E. Walter Bell, Jr.
(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner: Newton A. Williams
Nolan, Plumhoff & Williams

1309 Continental Drive Suite N
Address Phone No.

(Type or Print Name)

Abingdon Maryland 21009

Signature
Suite 700 - Nottingham Centre
502 Washington Avenue 823-7800

City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Address Phone No.
Towson MD 21204

Bruce E. Doak
Gerhold, Cross & Etzel, Ltd.
Name Suite 100
320 E. Towson Blvd. 823-4470
Address Phone No.

State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: JRF DATE 11/22/96

ORDER RECEIVED FOR FILING

Date 3/1/97

By [Signature]

#229

SPECIAL HEARING REQUESTS - BELL PROPERTY

1. A non-density transfer of a 1.123 acre parcel and 0.103 acre parcel to 17284 Evna Road, per attached plat;
2. Hearing Officer to determine whether the creation of a fourth land area (Parcel A) should generate review under Section 26.171 of the Development Regulations (major subdivision), or is exempt under Section 26-170 (Land for Agricultural Purposes) and therefore is a minor subdivision; *separation of*
3. Hearing Officer to determine if the relocation of #17236 Evna Road onto Parcel A would then be considered a fourth lot; and
4. To allow accessory structures on a parcel that does not contain a principal use structure.

ORDER RECEIVED FOR FILING

Date

By

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229



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #17236 Evna Road

which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(See attached Variance Requests)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

(See attached Reasons In Support)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner Newton A. Williams
Nolan, Plumbhoff & Williams

(Type or Print Name)

Signature

Suite 700 - Nottingham Centre
502 Washington Avenue 823-7800

Address

Towson MD 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

Signature

E. Walter Bell, Jr.
(Type or Print Name)

Signature

1309 Continental Drive Suite N

Address Phone No

Abingdon Maryland 21009

City State Zipcode

Name, Address and phone number of representative to be contacted

Bruce E. Doak
Gerhold, Cross & Etzel, Ltd.

Name

Suite 100
320 E. Towsontown Blvd. 823-4470

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

(the following date) Next Two Months

ALL OTHER

REVIEWED BY: JRF DATE 11/22/90

#229

ORDER RECEIVED FOR FILING

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By

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on Recycled Paper

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REQUESTED VARIANCES - BELL PROPERTY

The following variances from Section 1A03.4B.2 are requested for all existing structures:

- a. A dwelling setback of zero (0) feet from a property line (P/L) in lieu of the required twenty-five (25) feet
- b. Barn:
 1. Zero (0) feet for twenty-five (25) feet from a P/L
 2. Eighteen (18) feet in lieu of twenty-five (25) feet
- c. *new*
 1. Farm Shed 2, a setback of six (6) feet in lieu of required twenty-five (25) feet;
 2. Farm Shed 2, setback of eighteen (18) feet in lieu of fifteen (15) feet;
 3. Farm Shed 3, a setback of twenty (20) feet in lieu of required twenty-five (25) feet; and
 4. Farm Shed 4, a setback of fifteen (15) feet in lieu of required twenty-five (25) feet.

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By

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229

REASONS FOR REQUESTED VARIANCES

1. The Bell and BGE Properties contain existing structures which were placed there prior to the proposed Minor Subdivision.
2. That these structures all predate modern zoning and subdivision regulations in the County.
3. That the 11236 building/house is primarily on the BGE ownership but crosses onto the Bell Property.
4. That the barn is primarily on the Bell ownership but crosses onto the BGE Property.
5. That it is impractical to move these structures or relocate them.
6. That these structures presently foster an agricultural use and will continue to do so.
7. That the subject property and structures are very unique due to the BGE ownership, the shape of the overall parcel and the existing location of the buildings.
8. That without the requested variances, the respective Petitioners, BGE and Mr. Bell, will sustain practical difficulty and unreasonable hardship.
9. That the requested variances will foster the upgrading of the site, buildings and area, and will foster the health, safety and welfare of the area involved.

ORDER RECEIVED FOR FILING

Date

By

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#2209

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

October 17, 1996

**Zoning Description
Bell Property
Area Southeast of BGE Towerline**

Beginning at a point in Evna Road, 3500 feet, more or less, north of Mt. Carmel Road, thence leaving Evna Road and running 1) South 60 degrees 38 minutes 28 seconds West 1333.52 feet and 2) North 32 degrees 04 minutes 52 seconds West 368.25 feet to a point on the southeast side of a BGE towerline, 400 feet wide, thence running along the southeast side of the towerline 3) North 48 degrees 48 minutes 00 seconds East 1528.32 feet to a point in Evna Road and running thence in Evna Road 4) South 02 degrees 40 minutes 20 seconds East 40.21 feet, 5) South 15 degrees 10 minutes 20 seconds East 77.02 feet, 6) South 24 degrees 39 minutes 20 seconds East 81.83 feet, 7) South 34 degrees 45 minutes 20 seconds East 112.09 feet, 8) South 32 degrees 46 minutes 28 seconds East 61.35 feet and 9) South 09 degrees 20 minutes 02 seconds East 336.82 feet to the point of beginning.

Containing 17.036 Acres, more or less.

Saving and Excepting a parcel of land known as the "Log Cabin Lot" as described.

Beginning at point South 51 degrees 16 minutes 18 seconds West 121.51 feet from the end of the eighth or South 32 degrees 46 minutes 28 seconds East 61.35 foot line of the above described parcel of land and running thence 1) North 39 degrees 52 minutes 58 seconds West 250.00 feet, 2) South 50 degrees 07 minutes 02 seconds West 100.00 feet, 3) South 39 degrees 52 minutes 58 seconds East 250.00 feet and 4) North 50 degrees 07 minutes 02 seconds East 100.00 feet.

Containing 0.574 of an Acre, more or less.

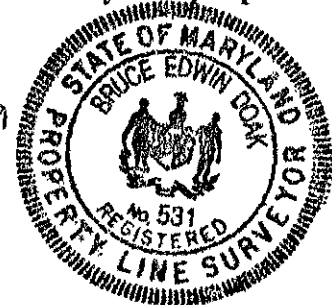
Total Net Acreage = 16.462 Acres of land, more or less.

This description is only for zoning purposes and is not intended for conveyance purposes.

BellSEZD.des

NOT RECORDED

#229



GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

October 17, 1996

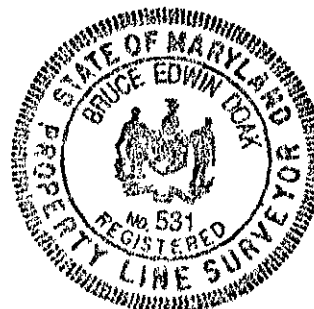
**Zoning Description
Bell Property
Area Northwest of BGE Towerline**

Beginning at a point on the northwest side of a BGE towerline, 400 feet wide, 200 feet, more or less, southwesterly, measured along the northwest side of said towerline from the center of Evna Road running thence along the northwest side of said towerline 1) South 48 degrees 48 minutes 00 seconds West 2428.02 feet, thence leaving said towerline and running 2) South 53 degrees 33 minutes 06 seconds West 572.04 feet, 3) South 52 degrees 51 minutes 55 seconds West 273.37 feet, 4) North 46 degrees 40 minutes 54 seconds West 1820.69 feet, 5) North 58 degrees 19 minutes 39 seconds East 1746.57 feet, 6) South 23 degrees 39 minutes 49 seconds East 1053.19 feet, 7) North 70 degrees 24 minutes 10 seconds East 238.91 feet, 8) North 66 degrees 27 minutes 04 seconds East 658.11 feet, 9) North 66 degrees 23 minutes 04 seconds East 361.89 feet and 10) North 61 degrees 24 minutes 00 seconds East 866.17 feet to the point of beginning.

Containing 68.369 Acres of land, more or less.

Note: This description is only for zoning purposes and is not intended for conveyance purposes.

Bellnwzo.des



ENCLOSURE

#229

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/5, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/5, 1996.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Emile

RECEIVED

OFFICE OF RECORDS
The Chief Commissioner of
Baltimore County, by authority
of the Board of Commissioners,
has caused to be published in
this newspaper, a notice of a
public hearing on the
application of E. W. Baker, Jr.
for a variance from the
Baltimore County Ordinance
No. 118, Chapter 118, Section
118.01, relating to the
height of buildings in
Baltimore County, Maryland.
The public hearing will be
held at the County Office,
Baltimore, Maryland, on
Tuesday, December 31, 1996,
at 9:00 a.m. in Room
118, Old Courthouse.

Case #97-229-SHA

(Item 229)

17236 Ema Avenue

NMS of BEE Township at a

distance of 200' SW from the

center of Ema Road

7th Election District

3rd Courthouse

Legal Owner(s):

E. W. Baker, Jr.

Special Hearing: to approve

a non-density transfer of

1.123 acre parcel and 0.103

acre parcel to 17294 Ema

Road to determine whether

the creation of a fourth lot

area (Parcel A) should gener-

ate review per the Develop-

ment Regulations (major

subdivision) or is exempt and

therefore a minor subdivision;

to determine if the relocation

of 17236 Ema Road on to

Parcel A would be considered.

a fourth lot, and to allow ac-

cessory structures on a parcel

that does not contain a princi-

pal structure. Variance: to

permit a dwelling setback of

zero ft. from a property line in

lieu of the required twenty-five

ft.; to permit a beam to be zero

ft. for 25 ft. from a property

line; 18 ft. in lieu of 25 ft.; a

setback of 6 ft. in lieu of the re-

quired 25 ft. for farm shed 2; a

setback of 18 ft. in lieu of 15 ft.

for farm shed 2; a setback of

20 ft. in lieu of the required 25

ft. for farm shed 3; and a set-

back of 15 ft. in lieu of the re-

quired 25 ft. for farm shed 4.

Hearing: Tuesday, December

31, 1996 at 9:00 a.m. in Rm.

118, Old Courthouse.

LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are

conducted in accordance with

the Maryland State

Public Access Act, Chapter

118, Section 118.01, and

the Baltimore County

Ordinance No. 118, Chapter

118, Section 118.01, and

the Baltimore County

Ordinance No. 118, Chapter

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Ordinance No. 118, Chapter

118, Section 118.01, and

the Baltimore County

CERTIFICATE OF POSTING

RE: Case No.: 97-229 SPKA

Petitioner/Developer: W. BELL, ETAL

C/O NEWTON WILLIAMS, ESQ

Date of Hearing/Closing: 1/29/97

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204**

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #17236 EVNA RD.

The sign(s) were posted on

1/13/97
(Month, Day, Year)

Sincerely,

Patrick O'Keefe 1/23/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

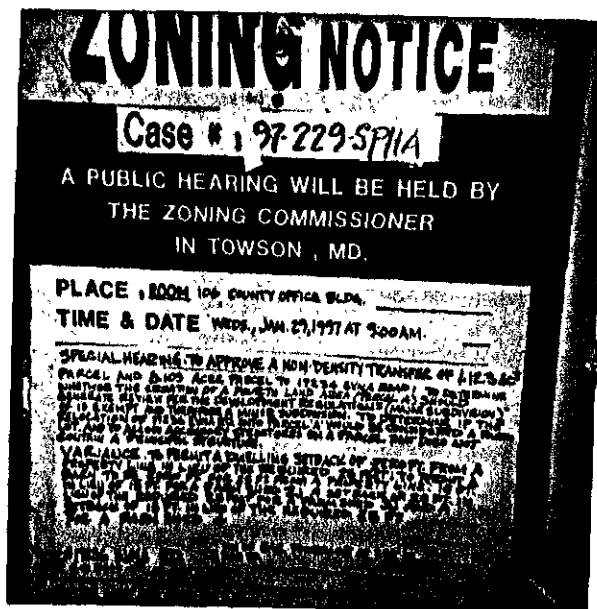
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)



#17236 EVNA RD.
BELL, ETAL
% NEWTON WILLIAMS, ESQ

CERTIFICATE OF POSTING

RE: Case No.: 97-229-SPHA

Petitioner/Developer: _____

Ed WALTER BELL JR.

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 17234 EVNA RD.

The sign(s) were posted on _____

6/27/97 ✓

(Month, Day, Year)

Sincerely,

Gary Freund

(Signature of Sign Poster and Date)

GARY FREUND

(Printed Name)

(Address)

(City, State, Zip Code)

X 3352

(Telephone Number)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-229-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 1016, COUNTY OFFICE BLDG., 111 W. CHESAPEAKE AVENUE

DATE AND TIME: TUESDAY, MAY 12, 1998 AT 11:00 AM

REQUEST: SPECIAL HEARING AND VARIANCE BEFORE THE
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

REMANDED TO THE ZONING COMMISSIONER FOR
BALTIMORE COUNTY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST:

SPECIAL HEARING

- BELL PROPERTY

1. A non-density transfer of a 1.123 acre parcel and 0.103 acre parcel to 17284 Evna Road, per attached plat;
2. Hearing Officer to determine whether the creation of a fourth land area (Parcel A) should generate review under Section 26-171 of the Development Regulations (major subdivision), or is exempt under Section 26-170 (Land for Agricultural Purposes) and therefore is a minor subdivision;
3. Hearing Officer to determine if the relocation of #17236 Evna Road onto Parcel A would then be considered a fourth lot; and
4. To allow accessory structures on a parcel that does not contain a principal use structure.

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.**

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUESTED VARIANCES - BELL PROPERTY

The following variances from Section 1A03.4B.2 are requested for all existent structures:

- | | |
|---|--|
| a. A dwelling setback of zero (0) feet from a property line (P/L) in lieu of the required twenty-five (25) feet | c. 1. Farm Shed 2, a setback of six (6) feet in lieu of required twenty-five (25) feet; |
| b. Barn: | 2. Farm Shed 2, setback of eighteen (18) feet in lieu of fifteen (15) feet; |
| 1. Zero (0) feet for twenty-five (25) feet from a P/L | 3. Farm Shed 3, a setback of twenty (20) feet in lieu of required twenty-five (25) feet; and |
| 2. Eighteen (18) feet in lieu of twenty-five (25) feet | 4. Farm Shed 4, a setback of fifteen (15) feet in lieu of required twenty-five (25) feet. |

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.**

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 229

Petitioner: E. Walter Bell, Jr.

Location: #17236 Evna Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: E. Walter Bell, Jr.

ADDRESS: 1309 Continental Drive, Suite N

Abingdon, Maryland 21009

PHONE NUMBER: _____

AJ:ggs

(Revised 04/09/93)



BALTIMORE COUNTY 1A LAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

033076

DATE 4/10/97

ACCOUNT 6-001-6150

AMOUNT \$ 385.00

RECEIVED
FROM:

~~RECEIVED~~ Everett W. Bell, Jr.

FOR:

Appeal #97-229-SPHA

MICROFILMED.

R43

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

012006#0098MICHRC
BA 0007:17AM04-11-97

4385.00

TO: PUTOXENT PUBLISHING COMPANY
December 5, 1996 Issue - Jeffersonian

Please forward billing to:

Newton A. Williams, Esq.
Nolan, Plumhoff, & Williams
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204
823-7800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-229-SPHA (Item 229)
17236 Evna Avenue
NWS of BGE towerline at a distance of 200' SW from the center of Evna Road
7th Election District - 3rd Councilmanic
Legal Owner(s): E. Walter Bell, Jr.

Special Hearing to approve a non-density transfer of 1.123 acre parcel and 0.103 acre parcel to 17284 Evna Road; to determine whether the creation of a fourth land area (Parcel A) should generate review per the Development Regulations (major subdivision), or is exempt and therefore a minor subdivision; to determine if the relocation of 17236 Evna Road on to Parcel A would be considered a fourth lot; and to allow accessory structures on a parcel that does not contain a principal structure.
Variance to permit a dwelling setback of zero ft. from a property line in lieu of the required twenty-five ft.; to permit a barn to be zero ft. for 25 ft. from a property line; 18 ft. in lieu of 25 ft.; a setback of 6 ft. in lieu of the required 25 ft. for farm shed 2; a setback of 18 ft. in lieu of 15 ft. for farm shed 2; a setback of 20 ft. in lieu of the required 25 ft. for farm shed 3; and a setback of 15 ft. in lieu of the required 25 ft. for farm shed 4.

HEARING: TUESDAY, DECEMBER 31, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

(11/29/96 10:11 AM)

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

NO NO NO NO NO

ACCOUNT P-001-615-000

BELL (McLoughlin & Williams)

040 - 010 Hds - 250

TAKEN BY: JPF

FOR:

MICROFILMED

01A00802DUF4CH9C \$500.00
EA 0009-000011-22-Q

VALIDATION OR SIGNATURE OF CASHIER

| DISTRIBUTION | PINK - AGENCY | YELLOW - CUSTOMER |
|-----------------|---------------|-------------------|
| WHITE - CASHIER | | |



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 25, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-229-SPHA (Item 229)

17236 Evna Avenue

NWS of BGE towerline at a distance of 200' SW from the center of Evna Road

7th Election District - 3rd Councilmanic

Legal Owner(s): E. Walter Bell, Jr.

Special Hearing to approve a non-density transfer of 1.123 acre parcel and 0.103 acre parcel to 17284 Evna Road; to determine whether the creation of a fourth land area (Parcel A) should generate review per the Development Regulations (major subdivision), or is exempt and therefore a minor subdivision; to determine if the relocation of 17236 Evna Road on to Parcel A would be considered a fourth lot; and to allow accessory structures on a parcel that does not contain a principal structure.

Variance to permit a dwelling setback of zero ft. from a property line in lieu of the required twenty-five ft.; to permit a barn to be zero ft. for 25 ft. from a property line; 18 ft. in lieu of 25 ft.; a setback of 6 ft. in lieu of the required 25 ft. for farm shed 2; a setback of 18 ft. in lieu of 15 ft. for farm shed 2; a setback of 20 ft. in lieu of the required 25 ft. for farm shed 3; and a setback of 15 ft. in lieu of the required 25 ft. for farm shed 4.

HEARING: TUESDAY, DECEMBER 31, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: E. Walter Bell, Jr.
Bruce E. Doak
Newton A. Williams, Es.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 16, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 25, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-229-SPHA

IN THE MATTER OF: E. WALTER BELL, JR. -Petitioner
17234 and 17236 Evna Road
7th Election District; 3rd Councilmanic

(Petition for Special Hearing GRANTED in part and
DENIED in part; Petition for Variance GRANTED, with
restrictions.)

*pp'd and
used; reg'd
by N. Williams*
ASSIGNED FOR:

WEDNESDAY, SEPTEMBER 3, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient
reasons; said requests must be in writing and in compliance
with Rule 2(b) of the Board's Rules. No postponements will
be granted within 15 days of scheduled hearing date unless
in full compliance with Rule 2(c). For further
information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Administrator

cc: Counsel for Petitioner /Appellant : Newton A. Williams, Esquire
Petitioner /Appellant : E. Walter Bell, Jr.

Bruce Doak /Gerhold, Cross & Etzel

Alexandra McMahan /Valleys Planning Council

People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 18, 1997

NOTICE OF POSTPONEMENT

CASE #: 97-229-SPHA IN THE MATTER OF: E. WALTER BELL, JR. -Petitioner
17234 and 17236 Evna Road
7th Election District; 3rd Councilmanic
(Petition for Special Hearing GRANTED in part and
DENIED in part; Petition for Variance GRANTED, with
restrictions.)

which was scheduled for hearing on September 3, 1997 has been POSTPONED at
the request of Counsel for Petitioner /Appellant by letter dated July 3,
1997; to be reset upon request.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient
reasons; said requests must be in writing and in compliance
with Rule 2(b) of the Board's Rules. No postponements will
be granted within 15 days of scheduled hearing date unless
in full compliance with Rule 2(c). For further
information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Administrator

8/5/97

entered

appearance

cc: Counsel for Petitioner /Appellant Deborah C. Dopkin, Esquire
Counsel for Petitioner /Appellant : Newton A. Williams, Esquire
Petitioner /Appellant : E. Walter Bell, Jr.

Bruce Doak /Gerhold, Cross & Etzel

Alexandra McMahan /Valleys Planning Council

People's Counsel for Baltimore County

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



MICROFILMED

*3/02/98
Scheduled for
Motion Hearing -
4/10/98 @ 10:00 am.
Motion for Remand*



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 2, 1998

NOTICE OF ASSIGNMENT / ARGUMENT ON MOTION

CASE #: 97-229-SPHA

IN THE MATTER OF: E. WALTER BELL, JR. -Petitioner
17234 and 17236 Evna Road
7th Election District; 3rd Councilmanic

(Petition for Special Hearing GRANTED in part and
DENIED in part; Petition for Variance GRANTED, with
restrictions.)

A MOTION ONLY HEARING has been scheduled in response to Appellant
/Petitioner's Motion for Remand; to receive oral argument only; no evidence
or testimony to be presented on the merits of the case at this motion
hearing; and has been

ASSIGNED FOR: WEDNESDAY, JUNE 10, 1998 @ 10:00 a.m.

NOTICE: This matter has been scheduled for the purpose of receiving oral argument only on
Appellant /Petitioner's Motion for Remand.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must
be in writing and in compliance with Rule 2(b) of the Board's Rules. No
postponements will be granted within 15 days of scheduled hearing date unless
in full compliance with Rule 2(c).

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore
County Code.

Kathleen C. Bianco
Administrator

cc: Counsel for Petitioner /Appellant : Deborah C. Dopkin, Esquire
Petitioner /Appellant : E. Walter Bell, Jr.

Bruce Doak /Gerhold, Cross & Etzel

Alexandra McMahan /Valleys Planning Council

People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney

RECEIVED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 5, 1998

**** AMENDED NOTICE OF ASSIGNMENT /ARGUMENT ON MOTION**

(AMENDED AS TO DATE AND TIME FOR MORNING HEARING /MOTION ONLY)**

CASE #: 97-229-SPHA IN THE MATTER OF: E. WALTER BELL, JR. -Petitioner
17234 and 17236 Evna Road
7th Election District; 3rd Councilmanic
(Petition for Special Hearing GRANTED in part and
DENIED in part; Petition for Variance GRANTED, with
restrictions.)

Has been scheduled for a MOTION ONLY HEARING in response to Appellant
/Petitioner's Motion for Remand; to receive oral argument only; no evidence
or testimony to be presented on the merits of the case at this motion
hearing; and has been

ASSIGNED FOR: TUESDAY, MARCH 31, 1998 @ 9:30 a.m.

NOTICE: This matter has been scheduled for the purpose of receiving oral argument only on
Appellant /Petitioner's Motion for Remand.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore
County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must
be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will
be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Counsel for Petitioner /Appellant : Deborah C. Dopkin, Esquire
Petitioner /Appellant : E. Walter Bell, Jr.

Bruce Doak /Gerhold, Cross & Etzel

Alexandra McMahan /Valleys Planning Council

People's Counsel for Baltimore County

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

[Handwritten signature]





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 13, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-229-SPHA
17234 & 17236 Evna Road
W/S Evna Road, NW/S BG&E Tower Line
7th Election District - 3rd Councilmanic District
Legal Owner: E. Walter Bell, Jr.

Special Hearing and Variance petitions before the County Board of Appeals of Baltimore County REMANDED to the Zoning Commissioner for Baltimore County.

HEARING: Tuesday, May 12, 1998 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a stylized "39" written below it.

Arnold Jablon
Director

c: Deborah C. Dopkin, Esquire
E. Walter Bell, Jr.
Gerhold, Cross & Etzel, Ltd.
People's Counsel for Baltimore County
Valleys Planning Council

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 27, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 27, 1996

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 229
Case No.: 97-229-SPHA
Petitioner: E. Walter Bell, Jr.

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular stamp that is partially obscured.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



RECEIVED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/05/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: E. WALTER BELL JR. ,

Location: NW/S OF BGE TOWERLINE, 200' SW OF CENTER EVNA RD.
(17236 EVNA RD. - BELL PROPERTY, FKA LOYOLA COLLEGE)

Item No.: 229

Zoning Agenda: SPECIAL HEARING/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



12/05/96 11:15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: December 5, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 229 and 230

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/05/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: E. WALTER BELL JR. ,

Location: NW/S OF BGE TOWERLINE, 200' SW OF CENTER EVNA RD.
(17236 EVNA RD. - BELL PROPERTY, FKA LOYOLA COLLEGE)

Item No.: 229

Zoning Agenda: SPECIAL HEARING/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: December 5, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for December 9, 1996
Item Nos. 185, 219, 220, 221, 222,
223, 225, 226, 227, 228, 229, 230,
& 231

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
December 11, 1996

FROM: R. Bruce Seeley *RBS/gp*
DEPRM

SUBJECT: Zoning Item #229 - Bell Property
17236 Evna Road
Zoning Advisory Committee Meeting of December 2, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Ground Water Management

Soil evaluations were conducted 3/26/96. Revised plans were requested 3/26/96. New well required for existing house. Septic inspection and certification or repair to new area required for existing house.

Agriculture Preservation

If parcel A was added by nondensity transfer to another property, a minor subdivision would be appropriate. In this case, Parcel A will stand alone and the small building can be considered a principal dwelling and thus should be called a lot. A major subdivision would require that a portion of Parcel A be placed in a permanent Conservancy Area while a minor avoids this requirement.

RBS:VK:sp

BELL2/DEPRM/TXTSBP

1996 DEC 11 10 11 AM

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-7866

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

April 4, 1997

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
Court House
Towson, Maryland 21204

Re: The Bell Property/Case No.: 97-229-SPHA
17234 and 17236 Eyna Road

Dear Commissioner Schmidt:

Both my client, Walter Bell, and myself appreciated the opportunity to have sat down with you recently regarding the decision of March 11, 1997, in this matter, as well as your letter of March 26, 1997.

Unfortunately, since it appears that there is not a solution that will readily respond to our Motion for Reconsideration and that the possible solutions outlined in your letter of March 26 all will take time to accomplish, we have decided to note an appeal in the meanwhile.

Accordingly, please note an appeal to the County Board of Appeals from those portions of your Order of March 11, 1997, which denied requested relief, and we wish to state that the appeal is not being taken from those portions of the relief that were granted.

Rather than trying to catalog all of the items appeals from and not appealed from, I will let the Order of March 11, 1997 speak for itself.

Mr. Bell's check in the amount of \$210.00, representing the \$175.00 appeal fee, and the \$35.00 for the Board of Appeals sign is enclosed herewith.

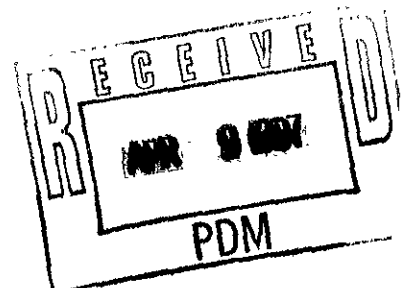
Thanking you and your staff for your attention to the case, which is a difficult one, and to this appeal, I am

Respectfully,

Newton A. Williams

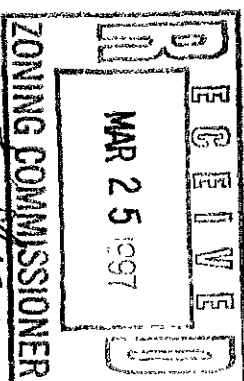
Newton A. Williams

cc: Baltimore County Board of Appeals
Peter J. Zimmerman, Esquire
Mr. Walter Bell
Mr. Bruce Doak



MICROFILMED

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED



SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

Don Lawrence E. Schmidt
Serving Commissioners
Cecil Beane
Towson, Maryland 21204
March 25, 1997

Re: Motion for
Removal
- Bill Murphy
97-229-SHA

Dear Commissioner Schmidt:

Per our recent meeting regarding the Bill Property

on Erie Road, please find enclosed our Motion for

Removal.

Please note we are opposing the nomination

by merger of the "doubt hole" lot, and an amendment of

any proposal to move the B & E house. Thank you for

your consideration. Respectfully, William



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

March 26, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: Bell Property
Case No. 97-229-SPHA
17234 and 17236 Evna Road

Dear Mr. Williams:

I have had the opportunity to further study the development regulations (Title 26-Baltimore County Code) as well as the plat and other exhibits relative to the above case. I have undertaken this review following our meeting last week regarding this property.

I understand that Mr. Bell is satisfied with portions of the Order which I issued in this case on March 11, 1997. Specifically, he takes no issue with my identification of the property at large as but a single parcel, notwithstanding its division by the BG&E strip. Moreover, he no doubt appreciates the granting of that portion of the Petition for Special Hearing designating the lot known as 17234 Evna Road (.574 acres) as a lot of record, as well as approving a nondensity transfer of two parcels to be added to that lot. Also, I have granted the Petition for Zoning Variances as it relates to many of the outbuildings on the property.

The focus of our discussion last week was that portion of the Petition for Special Hearing which I denied; to wit, that the plan as submitted would require approval through the major subdivision process and was not exempt from the development regulations. We discussed a variety of approaches to this subject at our meeting and I promised to review same.

Newton A. Williams



LAW OFFICES

NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528

(410) 823-7800

TELEFAX: (410) 296-2765

Jenning Office
POM

County Office Building

April 10, 1997

Kennel Delacorte

Attention: Rodlyn

*Rodlyn: Per our discussion yesterday, I am holding
an additional check, Mr. Grattan told me.
2003. dated April 9, 1997, to supplement the original
\$210 check filed, for a total appeal payment of \$385,
namely: \$175 each for the services and the
special hearing, and \$35 for the Bonds again.*

*I would appreciate help as usual in the
matter.*

*Sincerely,
M. F. Grattan*

CC: Mr. Grattan Bell.

cc Mr. Bruce Barb.

MICROFILMED

Newton A. Williams, Esquire
Nolan, Plumbhoff and Williams
page 2.....

I continue to believe that the general exemption from review under the development regulations set forth in Section 26-170 is not applicable in this case. That general exemption allows a developer to avoid the major subdivision process if the subdivision of land is for agricultural purposes. "Agricultural purposes" is defined in Section 26-168 of the Code as, "... any use of land which directly contributes to the production, processing or storage of agricultural products." Admittedly, a portion of the conservancy lot will be utilized for agricultural pursuits. Nonetheless, the creation of that lot is not to establish the land for agricultural use, rather, to comply with the R.C.4 conservancy area requirements. Although I know of no case which has litigated this issue, I believe that the consistent policy of Baltimore County has been that this section is applicable only if it is the specific intent of the property owner to subdivide his land for agricultural purposes. To a certain extent, that is an incidental result of the proposal here. The actual intent of Mr. Bell, it would seem, is to subdivide the land for residential purposes. For these reasons, I simply cannot reach a good faith finding that this project is exempt under Section 26-170.

Another potential exemption which we discussed is set out in Section 26-171(a)(6) of the Code. That section allows exemption for a project from the major subdivision process for the, "... subdivision of land into three (3) or fewer lots for residential single family dwellings ...".

Indeed, in this case, there will be three (3) single family residential dwelling lots created; namely, lots, 1, 2 and 3 as shown on the plan. The applicability of a 26-171(a)(6) exemption thus turns on the use of the fourth (conservancy) lot. If that fourth lot contained no residential dwelling, I believe that a finding that the project was exempt pursuant to Section 26-171(a)(6) would be appropriate. If a plan was offered indicating that the fourth lot (a/k/a as parcel A) would not be used to support a single family dwelling and would strictly be used for agricultural purposes, then, Section 26-171(a)(6) exemption would apply. In such a scenario, only 3 lots would contain single family dwellings and, although, there was a fourth lot, its use for agricultural/conservancy purposes only would not trigger a major subdivision review. In such a case, a note could be placed on the plan indicating that if a conservancy lot was ever developed with a single family dwelling, review under the development regulations would be triggered at that time.

The problem with the application of this exemption to the current plan is twofold. First, the plan which Mr. Bell has submitted shows the possible relocation of the frame house (17236 Evna Road) on to Parcel A. In my judgment, such a relocation clearly supports a conclusion that the fourth lot (i.e., Parcel A) contains a residential single family dwelling. Thus, any potential relocation unmistakably supports a finding in this case that Parcel A is to be used residentially.

MICROFILMED

Newton A. Williams, Esquire
Nolan, Plunhoffs and Williams
page 3.....

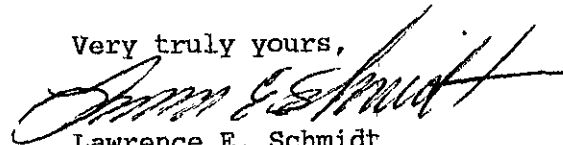
Secondly, even if that comment is removed, yet another issue remains. As we have discussed, the dwelling known as 11236 Evna Road straddles the property line between Mr. Bell's tract and the BG&E property. Arguably, since at least a part of the dwelling is on the Bell property, Parcel A is being utilized to support a residential dwelling. Moreover, in practical use, Mr. Bell is considered the "owner" of that dwelling. This is a close call, in view of the unusual situation of the houses' location on BG&E tract. However, since at least a part of the dwelling is on Parcel A and the house is used by Mr. Bell, it would seem that Parcel A is being used to support a residential dwelling.

Mr. Bell's answer may be to raze the dwelling or sell same to BG&E. If the structure were eliminated, Parcel A would, indeed, be unimproved by any single family dwelling. If sold to BG&E, it would become part of that property and not associated with Parcel A of the Bell tract.

I trust that the above has, at least, provided you with some appreciation of my view of this situation. If you would like me to reconsider my Order in line with any of the above comments, I would be happy to do so. Moreover, I have noted an error within the Order indicating that that portion of the special hearing regarding the applicability of the development regulations indicates that same is granted; it is actually denied. Thus, in any event, I believe that an Amended Order should be issued.

I look forward to hearing from you regarding this matter.

Very truly yours,



Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

P.S. Subsequent to my dictation of the above, I received your written Motion for Reconsideration. Candidly, I had met with both Wally Lippincott and Don Rascoe following my meeting with you and Mr. Bell, and I cannot precisely recall what was said at each meeting. That is, my conversations with Wally and Don may have had a slightly different "spin" than our meeting.

In any event, I don't recall ever discussing the merger of the donut hole lot; thus it presents a new scenario. Moreover, I don't believe it solves Mr. Bell's problem.

His desire, I believe, is to avoid the major subdivision process. He can do that only by qualifying for an exemption from same. The only exemption which seems potentially applicable is pursuant to Section 26-171(a)(6). As noted above, this section allows an exemption for 3 or fewer lots for residential single family dwellings.

RECEIVED

Newton A. Williams, Esquire
Nolan, Plunhoff and Williams
page 4.....

Mr. Bell's solution, it would seem, is to produce a plan with only three dwellings. On the plan offered, a dwelling is shown on each of the three new lots (lots Nos. 1, 2 and 3). Thus, there cannot be a fourth dwelling, or a major subdivision results.

The donut hole lot is not the problem. It is its own lot, separately considered. Therefore, the house on the donut hole lot (17231 Evna Road) is not considered the fourth dwelling. That lot is not considered in determining if Mr. Bell proposes a major subdivision. As stated above, it is the residential use of Parcel A which eliminates the exemption.

The Motion also references 26-171(b)(9). We did not discuss that and it is, in my judgment, of no assistance to Mr. Bell. It provides only an exemption from the Community Input Meeting and Hearing Officer's hearing. Moreover, it applies only to the number of lots, regardless of the use thereof. That is, since Mr. Bell clearly proposes 4 lots (lots 1, 2, and 3; plus the conservancy lot/Parcel A; 26-171(b)(9) is certainly not applicable.

Thus, I stand by my conclusion set out in the body of this letter; to wit, that for Mr. Bell to qualify for a Section 26-171(a)(6) exemption, he must eliminate any residential dwelling attributable to Parcel A. This leaves as a final question the accessory structures on Parcel A. They must be accessory to a principle structure or use. Arguably, if used to support the agricultural activity on Parcel A a finding could be entered that they were proper/legitimate for those purposes. They would thus not have to be removed, even if the house was.

B A L T I M O R E C O U N T Y, M A R Y L A N D

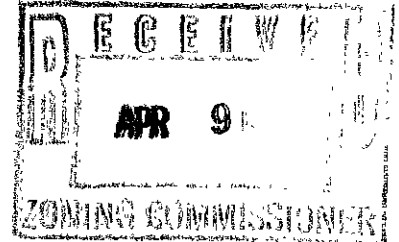
Inter-Office Correspondence

TO: Arnold Jablon, Director
 Office of Permits &
 Development Management

DATE: April 9, 1998

FROM: Charlotte E. Radcliffe *CR*
 County Board of Appeals

SUBJECT: E. Walter Bell, Jr. - Petitioner
 Case No. 97-229-SPHA



Pursuant to the Remand Order issued by the Board on April 9, 1998, we are hereby returning the file to you to be forwarded to the Zoning Commissioner for his further consideration as required.

Should you have any questions, please call me at ext. #3180.

Attachment (Case filed No. 97-229-SPHA)

c: Docket Clerk
 Deborah C. Dopkin, Esquire
 People's Counsel for Baltimore County
 ~~Lawrence E. Schmidt~~ /Zoning Commissioner

FILED

Mar-

Here's the bill file,
it can go up on
my book case

I understand that
it has been
remanded to me
from the Bd of
appeals & is
set before me
for hearing sometime
in May

JS

Reborek
to
submit

No dispute as to ~~the~~ location
of house

entirely on B6TE prop.

everyone agrees

everyone says

Deed controls

- parcel A will become
conservation parcel
w/o dwelling on

- ~~the~~ special hearing to
allow ~~for~~ access
structures

* Add a note on this plan -
no dwelling on Parcel "A"

MICROFILMED

*

89-248

90-275

253.1C

proposed further
order parallel
by right as Mc yorzo
89-248-5864

97-305
SPH LA

LAW OFFICES
ROSOLIO & KOTZ, P. A.
SUITE 220, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

DEBORAH C. DOPKIN

TELEPHONE 410-339-7100
FAX NO. 410-339-7107

August 4, 1997

County Board of Appeals
of Baltimore County
400 Washington Avenue
Towson, Maryland 21204

Attention: Kathleen Bianco

RE: Case No. 97-229-SPHA

Dear Ms. Bianco:

Please enter my appearance as counsel in the appeal of the above captioned matter, acting on behalf of E. Walter Bell, Jr., Petitioner/Appellant. I would appreciate your noting your records accordingly and sending all future communications regarding this matter to me at the above address.

Thank you for your attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

cc: Mr. E. Walter Bell, Jr.
Zoning Commissioner for Baltimore County

97 AUG -5 PM 1:00
RECEIVED
COUNTY BOARD OF APPEALS

R&K
ROSOLIO & KOTZ, P.A. //

See you Friday!
DEBORAH C. DOPPEL
Attorney At Law

(410) 339-7100 • Fax (410) 339-7107

Nottingham Centre • Suite 220 • 502 Washington Ave • Towson, MD 21204

LAW OFFICES
DEBORAH C. DOPKIN, P.A.

920 MERCANTILE - TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE: (410) 494-8080
FACSIMILE: (410) 494-8082

DEBORAH C. DOPKIN

January 30, 1998

Ms. Kathy Bianco
County Board of Appeals
for Baltimore County
Court House
Towson, Maryland 21204

RE: Case No. 97-229-SPHA

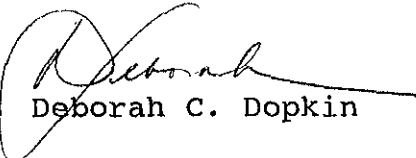
Dear Ms. Bianco:

Please enter my appearance on behalf of E. Walter Bell, Jr.
in the above captioned matter.

Please find enclosed a Motion to Remand on behalf of Mr.
Bell, requesting that the County Board of Appeals consider remanding
this case to the Zoning Commissioner of Baltimore County.

Thank you for your consideration of this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

Enclosure

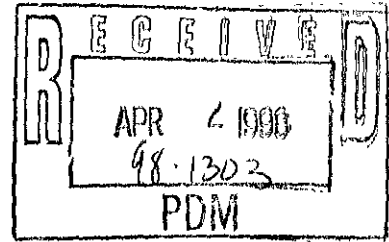
cc: Mr. E. Walter Bell, Jr.
Gerhold, Cross & Etzel

98 FEB -2 PM 3:29
COUNTY BOARD OF APPEALS
RECEIVED

RECEIVED

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204

TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com



DEBORAH C. DOPKIN

4/2/98
f to WR
Saph
Schedule

April 1, 1998

Arnold Jablon, Esquire, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 97-229-SPHA

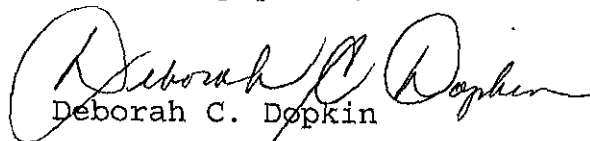
Dear Mr. Jablon:

I represent E. Walter Bell, Jr., the petitioner in the above captioned matter. On Tuesday, March 31, 1998, the County Board of Appeals granted a Motion to Remand the case back to the Zoning Commissioner for further consideration. It is my understanding that the file and the Order of the Board are being sent to your office in the normal course.

This letter is to request that the assignment clerk in your office schedule the matter for a hearing at the earliest opportunity. We do not anticipate that the hearing will require more than one hour, and probably will take less.

Thank you in advance for your attention to this matter.

Very truly yours,


Deborah C. Dopkin

cc: E. Walter Bell, Jr.

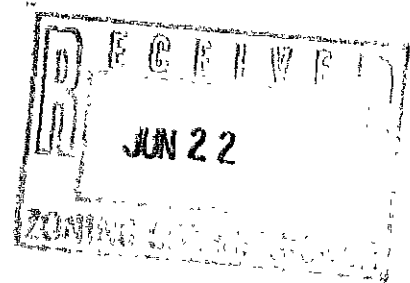
ENCLOSURE

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204
TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

June 19, 1998

Lawrence Schmidt, Esquire
Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

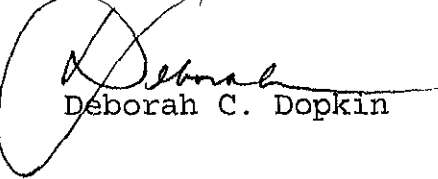


RE: Case No. 97-229-SPHA
Property of E. Walter Bell, Jr.

Dear Mr. Schmidt:

Please find enclosed a revised plat to accompany the draft Order which I transmitted to you on June 10, 1998. I believe that you will find that this plat is consistent with the testimony from the hearing and the draft Order. If you should have any questions, please give me a call.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

Enclosure

cc: Mr. E. Walter Bell, Jr.
Mr. Bruce Doak

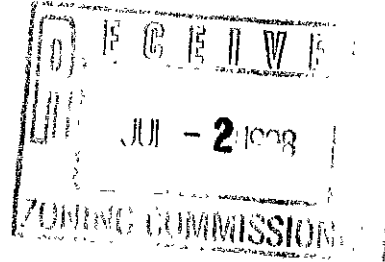
C:\docs\kmc\DCD\LETTERS\SCHMIDT.LTR

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204
TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

June 30, 1998

Lawrence Schmidt, Esquire
Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson, Maryland 21204



*Mat -
Order
Signed
KBB*

RE: Case No. 97-229-SPHA
Property of E. Walter Bell, Jr.

Dear Mr. Schmidt:

Pursuant to our earlier conversation of this week, please find enclosed the corrected and revised Findings of Fact and Conclusions of Law in the above captioned matter, together with a disk on which the document has been recorded.

Also enclosed is the revised site plan, referenced as identified as Exhibit 1-A.

I trust you will find these in proper form and I appreciate your ongoing attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

Enclosure

cc: Mr. E. Walter Bell, Jr.
Mr. Bruce Doak

C:\docs\kmc\DCD\LETTERS\SCHMIDT2.LTR

DEBORAH C. DOPKIN, P.A.
920 MERCANTILE - TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

FAX TRANSMISSION LEAD SHEET

NOTICE

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DATE: June 10, 1998

NAME: Lawrence Schmidt, Esquire, Zoning Commissioner

COMPANY: Zoning Commissioner's Office

FAX: 410-887-3468

FILE: Walter Bell Case No. 97-229-SPHA

SENDER: Deborah C. Dopkin, Esquire

920 Mercantile - Towson Building
409 Washington Avenue
Towson, Maryland 21204

Please contact (410) 494-8080 should you experience any problem with this transmission.

Fax Number: (410) 494-8082

Number of Pages, Including This Lead Sheet:

Hard Copy to Follow?

Comments to Recipient: *Please give me a call.*



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DRAFT

| | |
|--|-----------------------|
| IN RE: PETITIONS FOR SPECIAL HEARING * | BEFORE THE |
| AND VARIANCE - W.S Evna Road, | |
| NW/S BGE Tower Line * | ZONING COMMISSIONER |
| (17234 & 17236 Evna Road) | |
| 7th Election District * | OF BALTIMORE COUNTY |
| 3rd Councilmanic District * | |
| | Case No. 97-229 -SPHA |
| E. Walter Bell, Jr., | |
| Petitioner * | |

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner upon an Order to Remand from the County Board of Appeals of Baltimore County, dated April 9, 1998. The Order to Remand was granted in response to Petitioner's Motion, the Board of Appeals having jurisdiction over the case as a result of an appeal, noted by Petitioner, of ~~the~~ ^{my} Order, dated March 11, 1997. In the interim, certain issues from the Order of March 11, 1997, were the subject of correspondence between Petitioner's counsel and the Zoning Commissioner, dated March 26, 1997.

The matter originally came before the Zoning Commissioner as Petitions for Special Hearing and Variance for the lands collectively known as the Bell Property. The original Petitions sought the following relief

1. The approval of a non-density transfer of two parcels, identified as Parcels 1 and 2 and consisting of 1.123 acres and 0.103 acres, respectively, to the property known as 17234 Evna Road, which presently consists of .574 acres. (These requests were granted by the Order of march 11, 1997, and undisturbed by this remand and reconsideration.)
2. A determination as to whether the relocation of a dwelling known as 17236 Evna Road onto proposed Parcel A would be considered a subdivision of the property into a fourth lot. (Such a relocation onto proposed Parcel A was deemed to be a subdivision.) 1. The approval of existing accessory structures on a parcel that does not contain a principal use structure. (This request was denied.)
3. A determination as to whether the separation of a fourth land area, identified as Parcel A, should generate review under Section 26-171 of the Development Regulations as a major subdivision or is exempt under Section 26-170

UNRECORDED

(Land for Agricultural Purposes), and is, therefore, a minor subdivision. (Such a separation would be deemed a major subdivision.)

4. Petitioner sought variance relief from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations as follows:

a. To permit a setback of 0 feet in lieu of the required 25 feet for an existing dwelling; (Granted)

b. To permit setbacks of 0 feet and 18 feet in lieu of the required 25 feet for an existing barn; (Granted)

c. To permit setbacks of 6 ft and 18 feet in lieu of the required 25 feet each for existing Farm Shed 2, a setback of 20 feet in lieu of the required 25 feet for existing Farm Shed 3, and a setback of 15 feet in lieu of the required 25 feet for existing Farm Shed 04. (Granted)

The subject property and relief sought under the original petitions are more particularly described on site plan submitted which we accepted and marked into evidence as Petitioner's Exhibit 1.

A public hearing was held on May 12, 1998. Appearing at the hearing on behalf of the Petitions were E. Walter Bell, Jr., property owner, Bruce E. Doak, with Gerhold, Cross & Etzel, who prepared the site plan for the property, and Deborah C. Dopkin, Esquire, attorney for Petitioner. No other persons appeared at the hearing.

Much of the complexity involved in the original hearing arose as a result of the history of the property, its improvements and that of an adjoining BGE property. The Bell property itself is an irregularly shaped parcel with frontage on Evna Road in northern Baltimore County. In its entirety, the property consists of 84.831 acres, more or less, zoned R.C. 4. The Present owner acquired the site from Loyola College by deed dated September 6, 1996 and recorded among the Land Records of Baltimore County in Liber S.M. 11789 folio 040, and then sought to develop a portion as a minor subdivision of three lots, reserving a conservancy parcel, identified as Parcel A, for agricultural use. Though the BGE

~~mt~~ noted in ~~original~~ original order that the site plan was not signed and sealed by a surveyor, engineer, architect or landscape architect. ~~It~~ noted, rightly, that the absence of a seal was noteworthy in view of the history of the property and unusual location of improvements thereon.

property (owned in fee by BGE) bisects the Bell Property, Mr. Bell's deed expressly conveys rights to him to "cross said parcel...extend roads ... and the right to farm and use the same in any other manner" so long as the use does not interfere with the BGE facilities on the parcel.

The plan accompanying the original Petition showed certain improvements on the BGE parcel encroaching on the Bell Property. Petitioner, by his counsel, has researched the title history of both parcels. The deed conveying the parcel to BGE, dated February 26, 1969 and recorded among the Land Records of Baltimore County in Liber 4970 folio 716, includes plats showing the location of the BGE parcel and of the improvements thereon. An examination of the plat attached to the deed and Petitioner Exhibit 1 reveals inconsistencies as to the location of the improvements vis a vis the common property line. Petitioner now attempts to reconcile these by asserting that the BGE deed, as a matter of record, should be relied on as determinative of the location of the property line between the BGE parcel and the Bell Property, and of the location of the improvements on the BGE parcel. Any rights which Mr. Bell may have to the use of the house arise by virtue of a contract and subsequent lease between Mr. Bell and BGE.

Relying on the BGE deed, Petitioner seeks to modify the relief requested in the following manner:

1. Withdraw the request for a determination regarding the relocation of the house, since that house has been determined to lie entirely within the BGE parcel, and not at all on the Bell Property;
2. Withdraw the request for a determination whether the separation of the land identified as Parcel A, should generate review under Section 26-171 of the Development Regulations as a major subdivision or is exempt under Section 26-170 (Land for Agricultural Purposes), and therefore, is a minor subdivision;
3. Withdraw the request for variance relief "a" above since the improvements lie entirely within the BGE parcel.
4. Permit the relocation of an existing farm road on the Bell Property as consistent with the R.C. 4 provisions and the acreage requirements of the B.C.Z.R.

Petitioner also requests approval of the realignment of an interior farm road serving the property in order to improve grades and minimize land disturbance to the Proposed Parcel A, which if approved would result in better protection of natural resources in a manner consistent with B.C.Z.R. §1A03.5.H.

Relying on the BGE deed, the issues involving the house become moot, and the only remaining issues involve proposed Parcel A: whether its separation is exempt pursuant to §26-171(6) (as discussed in the letter of March 26, 1997) of the Development Regulations and whether to allow accessory structures on Parcel A.

With respect to these issue, testimony was offered that, since the house (which was to be relocated on Parcel A) is not being so moved, proposed Parcel A may exist as a conservancy parcel and be used entirely for agricultural use. In fact, the land comprising Parcel A is now used principally for agricultural purposes in conjunction with the intervening BGE property and adjoining lands belong to Mr. Bell. Petitioner testified that the accessory structures, all of which are existing, are used in connection with the principal agricultural use of Parcel A, ~~and are thereby permitted pursuant to B.C.Z.R. §~~ ?

Turning to the Petition for Special Hearing, and based on the evidence presented, I find that the BGE deed to be determinative of the location of the property boundary and improvements, and that the existing house lies exclusively on the BGE property. Based on the deed to Petitioner, the rights granted to Bell to utilize and farm the BGE property create a contiguous agricultural use with Parcel A, and as such the existing farm outbuildings buildings are accessory in nature and support the principal permitted use.

In sum, based on the testimony presented, I am persuaded that the house known as 17236 Evna Road lies exclusively on property owned by BGE, as evidenced by the deed for that property. Further, based on the deed for the Bell Property and the rights accruing to that Property to use the BGE property for farm purposes, I find that the principal use of Parcel A is for contiguous and uninterrupted agricultural purposes. Based on that use, the existing accessory structures located on Parcel A are permitted as accessory to the principal

for that no accidental devel 4/07 dwelling can be permitted on parcel A

MICROFILMED

agricultural use.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ____ day of June, 1998, that the Petition for Special Hearing to relocate the dwelling known as 17236 Evna Road onto Proposed Parcel A, be and is hereby, DISMISSED; and

IT IS FURTHER ORDERED that the separation of a fourth land area, identified as Parcel A, is exempt pursuant to Section 26-171 of the Development Regulations, and as such, the Petition for special Hearing is deemed MOOT, and is DISMISSED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow existing accessory structures on a parcel that does not contain a principal use structure, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the interior farm road serving the property be relocated as shown on the plan; and

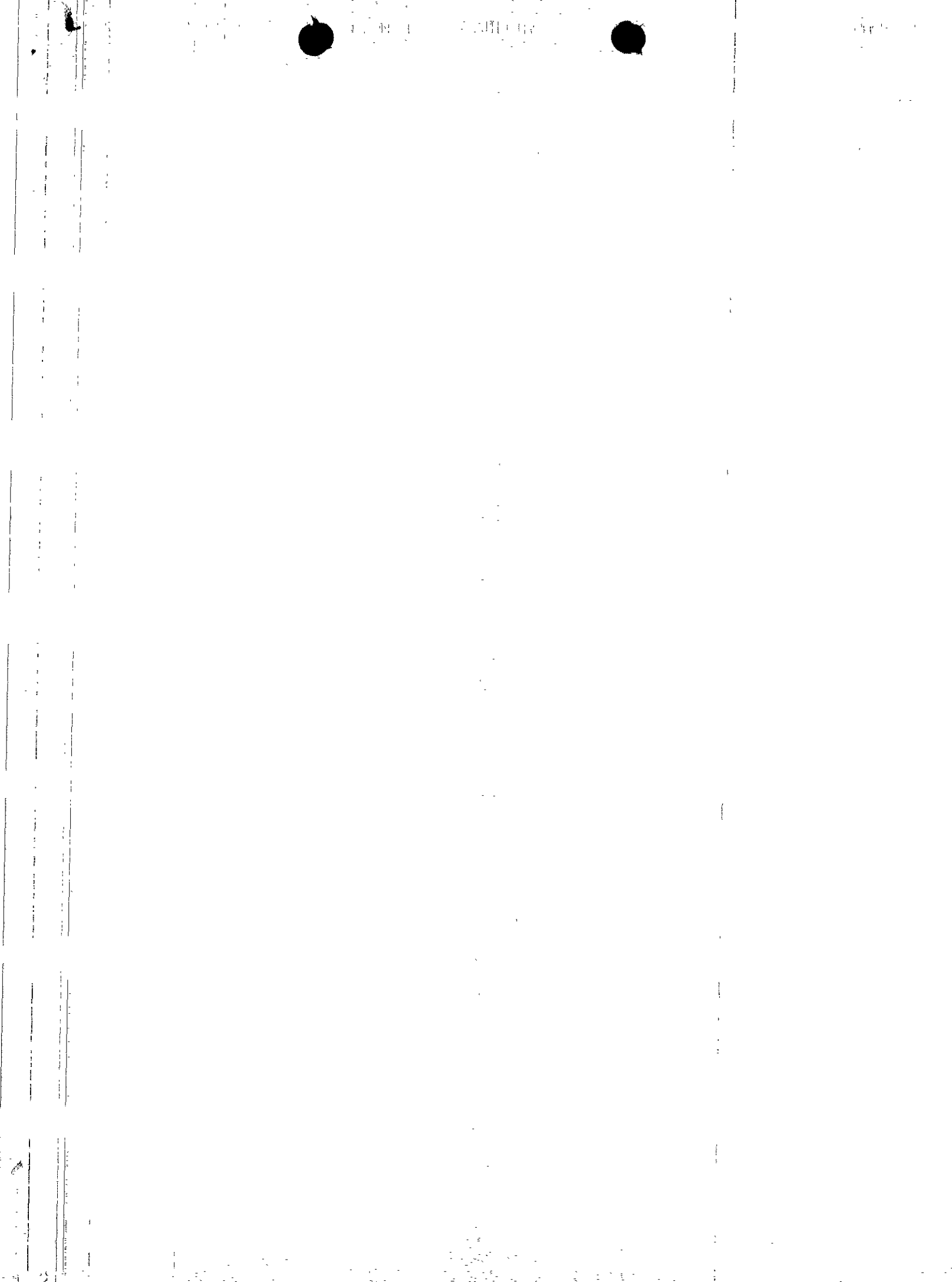
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) To permit a setback of 0 feet in lieu of the required 25 feet for an existing dwelling is hereby deemed MOOT, and is DISMISSED, all subject to the following restrictions:

- 1) A note be added to Petitioner's site plan that proposed Parcel A is for non-residential purposes only; At such time as a residential use for Parcel A is proposed, Petition must submit to the requirements of the Baltimore County Development Regulations;
- 2) Petitioner submit a red-lined plan consistent with this Order;
- 3) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
For Baltimore County

97-229

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FAX TRANSMISSION

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

3702 WASHINGTON AVENUE, SUITE 700

TOWSON, MARYLAND 21204

410-823-7000

FAX 410-298-2765

File # 475/02..

To: Mr Pat O'Keefe

Date: January 9, 1977

Fax #: 628 - 2574

Pages: 2 including this cover sheet

From: Newton Williams

Subject: Bill Core Posting - Ena Rl. for Jan. 29, 1977

COMMENTS:

Case No 97-229-SPHA.

Copy Enclosed - All going Office

posting this case for the 29th

I am told that since it was advertised
 for Dec 3rd, 1976 - 9 A.M. that it does not
 have to be readvertised.

Asking Commissioner Schmidt to confirm
 we only need to post. Thank you. Best regards,
 (The note court address is 17234 and Newton
 17236.

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 to arrange for return of the original document to us.

Hon. Lawrence E. Schmidt, 887-3468

Mr. Walter Bell - 679-9773

Mr. Bruce Rook - 823-4473

Mrs. Gwen Stephens - 887-5708, 887-2824

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 25, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-229-SPHA (Item 229)

17236 Evna Avenue

NW of B&E towerline at a distance of 200' SW from the center of Evna Road

7th Election District - 3rd Councilmanic

Legal Owner(s): E. Walter Ball, Jr.

Consent #

1.7 Acres

17234

- ① Special Hearing to approve a non-density transfer of 1.123-acre parcel and 0.103-acre parcel to 17234 Evna Road; to determine whether the creation of a fourth land area (Parcel A) should generate review per the Development Regulations (major subdivision), or is exempt and therefore a minor subdivision; to determine if the relocation of 17236 Evna Road on to Parcel A would be considered a fourth lot; and to allow accessory structures on a parcel that does not contain a principal structure.
- ② Variance to permit a dwelling setback of zero ft. from a property line in lieu of the required twenty-five ft.; to permit a barn to be zero ft. for 25 ft. from a property line; 18 ft. in lieu of 25 ft.; a setback of 6 ft. in lieu of the required 25 ft. for farm shed 2; a setback of 18 ft. in lieu of 15 ft. for farm shed 2; a setback of 20 ft. in lieu of the required 25 ft. for farm shed 3; and a setback of 15 ft. in lieu of the required 25 ft. for farm shed 4.

HEARING: TUESDAY, DECEMBER 31, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jahlan

Needs to be reposted & advertised!

Arnold Jahlan
 Director

NOT POSTED FOR.

cc: E. Walter Ball, Jr.
 Bruce E. Danks
 Newton A. Williams, Esq.

12/31 - WAS ADVERTISED

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 16, 1996.
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

LAW OFFICES

NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528

(410) 823-7800
(TELEFAX: (410) 296-2765)

Fax - 823-4473

Mr. Bruce Book
Laird, Cross & Engel
Suite 100, 320 East Townsend Blvd
Towson, Md. 21286.

Mr. Walter Bell

Tectonic
1309 Continental Dr., Suite 10
Arlington, Md. 21009

November 4, 1996.

Bruce and Walter: John Lewis has raised several points, including:
1. Does the zoning Commissioner have the power under sections 500.6 and 500.7, Enclosed, to determine a Development Regulations issue - he probably would as a Hearing Officer, but this is not a major subdivision. Let's look at it.

2. John says we probably should go to the City Board for the Board and Sheds as to a reduced average floor property.

I suggest we sit down with both Kate Miller and John Lewis to review these matters.

Please review and advise. Best regards,

Morton

ENCLOSURE

229

the zoning commissioner for a use permit, upon such form as the zoning commissioner may prescribe. If such use is permissible the zoning commissioner may issue a use permit, conditioned by other provisions contained in the regulations which shall indicate that it authorizes particular⁶ use applied for. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

✓ 500.5--In cases of petitions for special exceptions under Section 502 of these regulations, the zoning commissioner shall receive such petitions in such form as he may prescribe. He shall hold a public hearing thereon after giving public notice of such hearing as above provided with respect to petition⁷ for reclassification. After such a hearing he shall pass his order granting or refusing such special exception.⁸ [B.C.Z.R., 1955.]

✓ 500.6--In addition to his aforesaid powers, the zoning commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or non-compliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the Board of Zoning Appeals⁹ as hereinafter provided. [B.C.Z.R., 1955.]

✓ 500.7--The said zoning commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the zoning commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

With respect to any zoning petition other than a petition for a special exception, variance, or reclassification, the zoning commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the zoning commission-

*** TRANSMISSION REPORT ***

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502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-452

(410) 823-7800

TELEFAX: (410) 296-2765

Fax -823-4473

Mr. Daniel R. Rupp

Embroid, Lees & Patel

Suite 100, 330 East Washington Street
Towson, Md. 21286
November 4, 1996

Once and for all: John Deere has raised
1. Once the Farming Commission has the
500 and 500.7, Embroid, to determine a
suit: - he probably would be a Farming
a major subdivision, 2000 Embroid, 11
2. John Deere is probably should go to the
Embroid and Embroid as to a national committee
I suggest we sit down with both the
John Deere to review their matter,
I have review and advice. Best my
Quintin.

END OF TRANSMISSION

622 #

*** TRANSMISSION REPORT ***

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REM. RELAY
COPY GROUP No.

Fax - 823-4473

Mr. Bruce Lock

Hubbard, Lane & Steel

Suite 100, 330 East Townsend Blvd
Towson, Md. 21204-4515
(410) 823-7800
FAX: (410) 296-2765

NOLAN, PLUMHOFF & WILL

CHARTERED

SUITE 700, NOTTINGHAM CENT
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4515

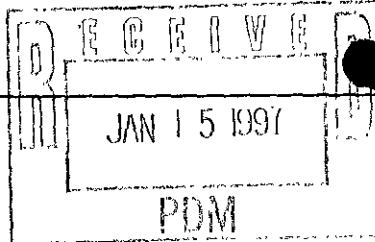
November 4, 1996

Bruce and Matt: John Davis has raised
1. Does the Service Commission have the
500 and 500.7, enclosed, to determine a
suit - he probably would as a Planning Dept
a major subdivision. Not about it. I'll
2. What are we probably should as to the
Room and shade as to a natural canopy
I suggest we sit down with both the
John Davis to review these matters.
I have minor and advice. Best as
Waters

622 #



Baltimore County
Zoning Commissioner
Office of Planning and Zoning



Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 14, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: Petitions for Special Hearing & Variance
Case No. 97-229-SPHA

Dear Mr. Williams:

This is to follow up our recent telephone conversations regarding the above matter.

As you are aware, this case was originally scheduled for public hearing on December 31, 1996 at 9:00 A.M. in Room 118 of the Court House. At that time, I called the case and conducted a hearing on the Petitions for Special Hearing and Variance which had been filed. You attended that hearing, representing the Petitioner, E. Walter Bell, Jr. The only interested party attending the hearing was Ms. Alexandra McMahan on behalf of Valleys Planning Council.

Subsequent to the hearing, you advised that the property had not been posted with notice of the hearing as required by law. Under the circumstances, I directed you to obtain a new hearing date from the Docket Clerk, Gwen Stephens, and re-post the property. In view of the prior advertisement of the hearing, it is not necessary to re-advertise the property.

By your recent fax, I understand that the matter has been reset for January 29, 1997 at 9:00 A.M. At that time, I will again call the case and determine those individuals present. If no Protestants or other interested persons appear, I will not re-hear the case, rather accept the testimony and evidence which was presented on December 31, 1996. If Protestants or interested persons do appear, I shall re-hear the case to allow those individuals a full opportunity to participate.

Please contact me should you have any questions regarding the above.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

- c: Alexandra McMahan, Valleys Planning Council
12 Washington Avenue, Towson, Md. 21285
- c: Gwen Stephens, Office of Permits and Development Mge.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 14, 1997

Ms. Alexandra McMahon
Valleys Planning Council
212 Washington Avenue
Towson, MD 21285

RE: Petitions for Special
Hearing and Variance
W/S Evna Road, NW/S BG&E
Tower Line
(17234 & 17236 Evna Road)
7th Election District
3rd Councilmanic District
E. Walter Bell, Jr. -
Petitioner
Case No. 97-229-SPHA

Dear Ms. McMahon:

Please be advised that an appeal of the above-referenced case was filed in this office on April 9, 1997 by Newton A. Williams, Esquire on behalf of E. Walter Bell, Jr. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel



APPEAL

Petitions for Special Hearing and Variance
W/S Evna Road, NW/S BG&E Tower Line
(17234 and 17236 Evna Road)
7th Election District - 3rd Councilmanic District
E. Walter Bell, Jr. - Petitioner
Case No. 97-229-SPHA

Petitions for Special Hearing and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestant Sign-In Sheets

Petitioners' Exhibit: 1 - Plat to Accompany Petitions for Special
Hearing and Variance

Photographs not Marked as Exhibits

Copy of Deed dated February 29, 1968

Copy of Deed dated February 26, 1969

Letter from Bruce E. Doak to Wally Lippincott dated October 8, 1996

Letter from Scott Lindgren, Gerhold, Cross & Etzel, to Newton Williams,
Esquire of Nolan, Plumhoff & Williams dated October 30, 1996

Memo from Newton Williams, Esquire to Bruce Doak and Walter Bell dated
November 4, 1996

Memo from Newton Williams, Esquire to Lawrence Schmidt, Zoning
Commissioner, dated March 25, 1997

Motion for Reconsideration from Newton A. Williams, Esquire on behalf
of E. Walter Bell, Jr. to Zoning Commissioner for Baltimore County
dated March 25, 1997

Letter from Lawrence E. Schmidt, Zoning Commissioner, to Newton A.
Williams, Esquire dated March 26, 1997

Zoning Commissioner's Order dated March 11, 1997 (Granted in Part,
Denied in Part)

Notice of Appeal received on April 9, 1997 from Newton A. Williams,
Esquire on behalf of E. Walter Bell, Jr.

c: Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 502
Washington Avenue, Suite 700, Towson, MD 21204
Mr. E. Walter Bell, Jr., 1209 Continental Drive, Suite N, Abingdon,
Maryland 21009
Mr. Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown
Boulevard, Suite 100, Towson, MD 21286
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

2000000000

PH -To approve nondensity transfer; relocation of dwelling; allow existing accessory structures on parcel not containing principal use structure; to determine need for review as major subdivision or exempt status;

VAR -Setbacks /existing dwelling, existing barn, and existing Farm Sheds 2, 3 and 4.

2/18/97 -Z.C.'s Order in which Petition for Special Hearing was GRANTED in part and DENIED in part; Petition for Variance GRANTED; with restrictions.

6/25/97 - Notice of Assignment for hearing scheduled for Wednesday, September 3, 1997 at 10:00 a.m. sent to following:

Newton A. Williams, Esquire
E. Walter Bell, Jr.
Bruce Doak /Gerhold, Cross & Etzel
Alexandra McMahan /Valleys Planning Council
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/07/97 -Letter requesting postponement of 9/03/97 hearing filed by N. Williams, on behalf of Appellant /Petitioner; possible resolution of issues.

7/18/97 -Postponement granted; discussed with PC; to be reset only upon request. Notice of Postponement issued this date.

2/02/98 -Entry of Appearance filed by Deborah C. Dopkin, Esquire, on behalf of E. Walter Bell, Jr. Also - filed Motion for Remand.

2/10/98 -Although copy to PC was certified on above Motion, PMZ indicated that he had not received same. Copy made for PMZ. Awaiting his response.

2/18/98 -Will hold this for 10 additional days (allowing 18 days from date copy provided to PMZ) and then will schedule for hearing on Motion for Remand.

3/02/98 -Notice of Assignment /Motion Hearing sent to parties; scheduled for argument on Petitioner's Motion for Remand on Wednesday, June 10, 1998 at 10:00 a.m.

3/05/98 -Amended Notice of Assignment sent to parties; Motion only hearing scheduled for Tuesday, March 31, 1998 at 9:30 a.m. (Hearing on merits would have been scheduled for June 1998 hearing; this hearing is oral argument only on Motion to Remand; scheduled for early morning hearing only.)

3/31/98 -Hearing on Motion concluded; deliberation immediately followed. No protestants appeared; no opposition to requested remand. Office of People's Counsel did not participate in proceedings. Board ruled to grant request; to be remanded to Zoning Commissioner. Ruling on Remand request to be issued by Board. (C.W.B.)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION /Motion to Remand

IN THE MATTER OF: E. Walter Bell, Jr. -Petitioner
Case No. 97-229-SPHA

DATE : March 31, 1998 /at conclusion of hearing

BOARD /PANEL : Charles L. Marks (CLM)
Harry E. Buchheister, Jr. (HEB)
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE --to deliberate Motion to Remand filed by Deborah Dopkin, Esquire, on behalf of Petitioner, E. Walter Bell, Jr.

CLM: This case involves a zoning matter; the Board is required under State law to hold public deliberation relative to our decision on the Motion to Remand.

The case itself involves a Petition for Special Hearing granted in part and denied in part; variance request granted with restrictions by the Zoning Commissioner. Normally such cases come to this Board on a de novo basis so that the Board is required to hear it from the beginning along with testimony and evidence.

Based upon the Motion by counsel for Petitioner, and having reviewed the file, it would indicate to me that this matter would best be handled by remanding it back to the Zoning Commissioner since it does appear to involve an isolated issue that again would best be heard by him, having issued the original order.

Counsel indicated there were no protestants involved before Commissioner Schmidt. People's Counsel indicated he had no objection to the remand to the Zoning Commissioner for further hearing on the isolated issue.

That being the case, and in the interest of saving taxpayers of Baltimore County time and money, it would appear that the best way to handle the matter regarding a revised plat would be to remand it back to Commissioner Schmidt for additional hearing on his part.

If the Petitioner is not satisfied with the decision of the Zoning Commissioner, then, of course, the option remains of appealing back to this Board.

For that reason, I would think that the appropriate action on

Deliberation /Motion to Dismiss E. Walter Bell, Jr. /97-229-SPHA

the part of this Board is to remand to the Zoning Commissioner for further consideration relative to the matter specified in Counsel's Motion to Remand, which is part of the Board's file.

MW: I would agree with you that it appears to be the appropriate remedy in the case before us to do that, rather than to hear it de novo. No harm to doing that to the Petitioner and it also allows, if there is someone with a problem of the whole issue, to have an opportunity to review it and again to appeal the issue on either side, if the Zoning Commissioner's order is not appropriate.

We should remand to the Zoning Commissioner on this issue.

HEB: The law cited, Section 26-172(a)(6) - depends upon Petitioner subdivision of land into three or four lots -- the fourth lot, Parcel A, will be used as accessory use as advised by the Zoning Commissioner.

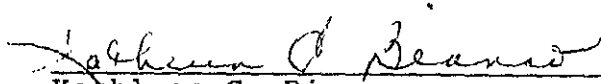
If the new amended plan conforms to these regulations, it appears to me that the matter should be remanded to its author for review. I agree it should be remanded to the Zoning Commissioner.

CLM: The decision of the Board appears to be unanimous. We will issue an appropriate opinion and order remanding the matter back to the Zoning Commissioner for consideration of Petitioner's plan and grant of relief as may be required.

No further business being before the Board, we will adjourn.

~~~~~

Respectfully submitted,

  
Kathleen C. Bianco



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

January 12, 1998

Deborah C. Dopkin, Esquire  
Rosolio & Kotz, P.A.  
220 Nottingham Centre  
502 Washington Avenue  
Towson, MD 21204-4513

RE: Bell Property (96-081-M)  
AKA Loyola College Property  
Zoning Case #97-229-SPHA  
7th Election District

Dear Mrs. Dopkin:

In response to your letter dated November 4, 1997, I had a meeting with Zoning Commissioner Schmidt and Donald Rascoe of the Development Management section of this department. I related to the Commissioner that it was your opinion that the second review plan of the Bell Property be approved as being in compliance with an opinion letter written by Commissioner Schmidt. As I indicated to you telephonically in mid November, it was their interpretation that the plan was substantially different than what was submitted for review in zoning case number 97-229-SPHA and, therefore, could not be approved without a new public hearing.

The three major issues were:

1. The lot line adjustment has never been addressed at the public hearing.
2. The hearing to allow accessory structures on vacant land had been denied.
3. The conservancy area is being split into three areas rather than the two that had been reviewed under the hearing proposal.

At your request, I again met with Commissioner Schmidt, Donald Rascoe, and also Wally Lippincott of the Department of Environmental Protection and Resource Management. It was determined that the above listed concerns were still valid and a public hearing would be necessary. As Mr. Schmidt indicated to you via telephone on January 7, 1998, it was determined that it would be sufficient to have the Board of Appeals remand the appeal back to the Zoning Commissioner. This would allow a public hearing forum without necessitating a new filing and review of a special hearing petition.

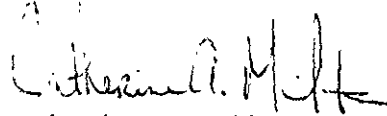
*[Handwritten signature]*



Deborah C. Dopkin, Esquire  
January 12, 1998  
Page 2

Should you have any questions regarding this matter, please do not hesitate to contact me at 410-887-3391.

Sincerely,



Catherine A. Milton  
Planner II  
Zoning Review

CAM:rye

c: Zoning Commissioner Schmidt  
Donald Rascoe, Development Management  
Wally Lippincott, DEPRM  
Minor Subdivision File 96-081-M  
Zoning Hearing File 97-229-SPHA

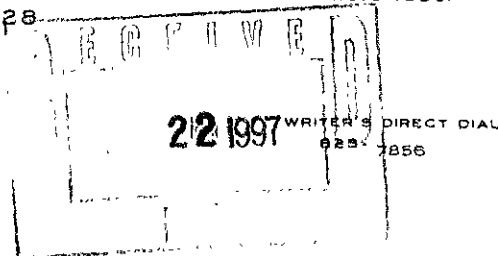
NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
C. WILLIAM CLARK  
E. BRUCE JONES\*\*  
STUART A. SCHADT

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
**CHARTERED**

SUITE 700, NOTTINGHAM CENTRE  
502 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204-4528  
(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)  
J. EARLE PLUMHOFF  
(1940-1988)  
RALPH E. DEITZ  
(1919-1990)

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY



June 20, 1997

**VIA TELECOPIER TRANSMISSION AND  
HAND DELIVERY**

Mr. Wally Lippincott  
Agricultural Administrator  
DEPRM  
County Courts Building, 4th Floor  
Towson, Maryland 21204

Mr. Bruce Seeley  
DEPRM  
County Courts Building, 4th Floor  
Towson, Maryland 21204

Re: Proposed Meeting to Finally Resolve The Bell Property, Evna Road  
96-081-M, Minor Subdivision  
Special Hearing and Variances  
Case No.: 97-229-SPHA  
DRC - 3rd Appearance since April 1997  
Request for Tabling on Monday, June 23, 1997 Unless all Points  
Resolved, Requested Approval of Minor Lot Line  
Adjustment and Completion of Minor Subdivision

Dear Mr. Lippincott and Mr. Seeley:

Confirming our telephone conference of June 17, 1997, we understand you may view the Bell property and process as follows:

1. The proposal may contain a fourth lot, i.e. the BGE House, 17236 Evna Road, even though it is on BGE land except for its SE corner;

A. This house, owned by BGE, has been granted Tenant House status by your Agricultural Board; is not on Bell; cannot be sold by Bell; and Bell has pending a minor lot line adjustment to place all of the BGE house on BGE with required setbacks, with the existing well and septic on BGE fee simple, 300 to 400 foot wide ownership corridor;

Handwritten notes and stamps at the bottom right of the page, including a date stamp that appears to read 'JUN 23 1997'.

Mr. Wally Lippincott  
Mr. Bruce Seeley  
June 20, 1997  
page 2

2. Of course, since Bell does not own BGE house, he cannot sell it, to answer one of your expressed concerns.

3. BGE has no wish to sell, control or administer this tenant house, and, in effect, ignores the house acquired with the transmission line in the 1960's. BGE with lot line adjustment will totally own the house. See page 3 letter from Commissioner Schmidt enclosed, dated March 26, 1997. Bell will have no control or right in law to the BGE house.

4. If BGE would concur, we again offer to raze the BGE house, wasteful as that is, since it antedates the R.C.4 Regulations, and fosters not hinders agricultural use. It has been granted tenant house status, subject to further review. It is barely visible from Evna Road, as it is screened by the barn and accessory buildings.

5. Commissioner Schmidt recommends at page 2 of his same letter, that a note be placed on the plan any fourth lot in the conservancy area would trigger major review. Bruce Doak will so note on the Plan.

6. We will also agree and note on the revised Plat that the tenant house status for the BGE house is subject to further review, never to be sold by Bell (cannot be, see number 2 above).

7. The Minor Subdivision Plat of October 17, 1996, shows a 44.474 acre Forest Conservation Easement, which is part of 68.396 Acre, Parcel A; and that Land Acquisition requires an access easement to the same, whether major or minor subdivision is pursued. Mr. Bell owns the adjoining subdivision of Woods of Emerald Springs, with contiguous land owned by the Bells, if BGE access would be troublesome. **THE BELLS ARE DEDICATING THE 44.474 FOREST CONSERVATION EASEMENT AS A PART OF THE PENDING MINOR SUBDIVISION.**

8. We understand Mr. Lippincott wants the R.C.4 required conservancy as if this was a major subdivision dedicated now with this minor subdivision, with which Mr. Bell strongly disagrees. Mr. Bell believes Baltimore County and DEPRM have no right in law or otherwise to require this dedication, if the Baltimore County position officially for DRC relief under the minor lot line adjustment or otherwise purports to require this illegal exaction. We ask that DEPRM reconsider this present condition for need and legality at this time.

9. WE ASK AGAIN FOR MINOR LOT LINE ADJUSTMENT TO COMPLETE THIS MINOR SUBDIVISION, WITHOUT THE ILLEGAL EXACTION OF A CURRENT CONSERVANCY DEDICATION NOT NOW REQUIRED IN LAW, OR PERMITTED IN LAW. BALTIMORE COUNTY IS ALREADY GETTING THE 44.474 CONSERVATION EASEMENT.

*[Handwritten signature]*



Mr. Wally Lippincott  
Mr. Bruce Seeley  
June 20, 1997  
page 3

10. Mr. Doak and Mr. Bell have already spent over a year on this project and thousands of dollars in expenses, interest and time in the project. Mr. Bell has been informed that to start over as a major subdivision would involve on the order of \$36,000.00 in new, unneeded, and we believe illegally exacted costs and expenses.

11. We are ready to meet, cooperate and hopefully resolve this matter, but Mr. Bell is unwilling to capitulate and surrender to an illegal exaction in his view. If the exaction is pursued, he will review the liability of the County and its representatives for such illegal action.

12. Mr. Bell under no compulsion has already restored the historic log dwelling at 17234; has done expensive and extensive restoration work by plantings, etc. to upgrade Bush Cabin Run on the adjacent BGE strip; restored the barn and accessory buildings; made extensive road and bridge improvements to this property again at great cost. Mr. Bell is a friend of R.C.4., of agriculture and of Bush Cabin Run, and he is working with the Land Preservation Trust.

13. Mr. and Mrs. Bell have also shown that they are conscientious and responsible property owners in the adjoining subdivision of Woods of Emerald Springs. We all say let's spend the money on substance, the land, stream and buildings and not on unneeded, wasteful and possibly illegally exacted major subdivision or certainly illegally, exacted conservancy dedication for a minor subdivision that they are entitled to. Again, see Commissioner Schmidt's constructive and correct analysis letter of March 26, 1997, attached. RECALL BALTIMORE COUNTY ACQUIRING THE 44.474 CONSERVATION EASEMENT AS A PART OF THIS MINOR SUBDIVISION.

Finally, we suggest an early meeting to resolve the matter, and since it cannot be done by Monday, June 23<sup>rd</sup>, that the matter be again tabled by the DRC, hopefully for the last time, since this April, DRC request. Please respond promptly.

Very truly yours,

*Newton A. Williams*

Newton A. Williams

NAW:mao  
encl.

MICROFILMED

Mr. Wally Lippincott  
Mr. Bruce Seeley  
June 20, 1997  
page 4

cc: Mr. George Perdicacis, Director, DEPRM  
Honorable Lawrence E. Schmidt, Zoning Commissioner  
Mr. Donald Rascoe, PDM  
Mr. and Mrs. Walter Bell  
Mr. Bruce Doak, Gerhold, Cross and Etzel

NEWTON A WILLIAMS  
THOMAS J RENNER  
WILLIAM P ENGLEHART, JR  
STEPHEN J. NOLAN\*  
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ROBERT S. GLUSHAKOW  
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(RETIRED 1980)  
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(1940-1988)  
RALPH E DEITZ  
(1918-1990)

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

WRITER'S DIRECT DIAL  
823 7856

July 3, 1997

Mrs. Kathleen Bianco  
County Board of Appeals  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

Re: Requested Placement on the Holding Docket  
For the Walter Bell Case, Case No.: 97-229SPHA  
Set for Wednesday, September 3, 1997

Dear Ms. Bianco:

We have just received a Notice of Assignment for the Bell case, for Wednesday, September 3, 1997 at 10:00 a.m.

I would not want the Board to save this date, since I am pleased to inform you that we are within inches of working the matter out with the Department of Environmental Protection and Resource Management. Both Mr. Wally Lippincott and Mr. Bruce Seeley have been very cooperative, and we do not anticipate that there will be a need for this hearing. However, to be on the safe side, I would respectfully ask that this case be placed on the hold docket until the matter is resolved. Thanking you and your staff for your attention to this request, I am

Sincerely,

*Newton A. Williams*

Newton A. Williams

NAW/dlp  
cc: Mr. E. Walter Bell  
Bruce Doke, Esquire  
Ms. Alexandra McMahan  
Peter J. Zimmerman, Esquire  
Carole S. Demilio, Esquire

RECEIVED

RECEIVED  
COUNTY BOARD OF APPEALS  
97 JUL -7 PM 3:25

*PP and Rod*

GORDON T. LANGDON  
EDWARD F. DEIACO-LOHR  
BRUCE E. DOAK

**GERHOLD, CROSS & ETZEL, LTD.**

*Registered Professional Land Surveyors*

SUITE 100  
320 EAST TOWSBONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318

410-823-4470  
FAX 410-823-4473

EMERITUS  
PAUL G. DOLLENBERG  
FRED M. DOLLENBERG  
CARL L. GERHOLD  
PHILIP K. CROSS  
OF COUNSEL  
JOHN F. ETZEL  
WILLIAM G. ULRICH

TO: NOLAN, PLUMHOFF & WILLIAMS

ATTN: MR. NEWTON WILLIAMS

PH: 823-7800 FAX: 296-2765

FROM: GERHOLD, CROSS & ETZEL  
SCOTT LINDGREN

RE: FORMER LOYOLA TRACT - WALTER BELL PROPERTY  
SPECIAL HEARINGS & VARIANCES

PLEASE REVIEW THE ATTACHED MARK-UP  
OF YOUR DRAFT & CALL ME SO WE CAN DISCUSS

# 229

PER KATE MILTON ① WALTER & BGE MUST SUBMIT SEPERATE APPLICATIONS  
HEARINGS CAN BE HELD TOGETHER

② AGRICULTURAL BUILDINGS MUST MEET RESIDENTIAL SETBACKS

Special Hearing Requests - BELL PROPERTY  
40.103 ACRE PARCEL

1. A non-density transfer of a 1.123 acre parcel to 17284 Evna Road, per attached plat;  
Confirmation of an existing septic reserve area and domestic well on part of Parcel A serving #17284 Evna Road;
2. Confirmation that residual Parcel A and Lots 1, 2 and 3 are a "Minor Subdivision," as defined in the Development Regulations; and
3. Confirmation of existing agricultural accessory structures, a barn and shed, on Parcel A as shown.

2. HEARING OFFICER TO DETERMINE WHETHER THE CREATION OF A FOURTH LAND AREA (PARCELA) SHOULD GENERATE REVIEW UNDER SECTION 26-171 OF THE DEVELOPMENT REGULATIONS (MAJOR SUBDIVISION) OR IS EXEMPT UNDER SECTION 26-170 (LAND FOR AGRICULTURAL PURPOSES) AND THEREFOR IS A MINOR SUBDIVISION

3. HEARING OFFICER TO DETERMINE IF THE RELOCATION OF #17236 EVNA ROAD ONTO PARCEL A WOULD THEN BE CONSIDERED A FOURTH LOT

4. TO ALLOW ACCESSORY STRUCTURES ON A PARCEL THAT DOES NOT CONTAIN A PRINKIPAL USE STRUCTURE

SPECIAL HEARING REQUEST - BGE

1. HEARING OFFICER TO CONFIRM THERE IS NO CONFLICT WITH SECTION 102.2 - 2 PRINCIPAL USES ON ONE PROPERTY (DWELLING #17236 EVNA ROAD AND ELECTRICAL TRANSMISSION TOWERLINE)

KATE SAID  
I USE  
LANGUAGE  
SIMILAR  
TO THIS

conservancy area is subject to the standards contained in 1A03.5.

- (2) All of the remaining permitted density shall be located in the building area on lots with a minimum lot size of 1 acre.
- (3) Subject to the conditions of the performance standards of Section 1A00.5G, any building or structure officially included on the preliminary or final list of the Landmarks Preservation Commission or the National Register of Historic Areas, and included in the conservancy area, need not be included in the calculation of the total permitted density, subject to the following requirements:
  - (a) there is an area of sufficient size surrounding the building, structure or landmark to preserve the integrity of its historic setting;
  - (b) an overall photographic and written description of the building, structure or landmark identified for preservation has been submitted; and
  - (c) documentation of the preservation, restoration and protection for the building, structure or landmark has been submitted and approved by the director of planning prior to issuance of any building permit for the development.

2. Building setbacks. Except for agricultural buildings any non-residential principal building hereafter constructed in an R.C.4 zone shall be situated at least 100 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in paragraph 4, below. Any residential principal building shall be set back according to the following minimum setback requirements: [Bill No. 98, 1975; Bill No. 113, 1992.]
  - a. 25 feet from any building face to a public street right-of-way or property line;
  - b. 35 feet from a front building face to the edge of paving of a private road;
  - c. setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet;
  - d. 100 feet between a building face and an adjacent R.C.2 zone line;
  - e. 100 feet between a building face and a reservoir property line; and
  - f. 50 feet between a building face and an adjacent conservancy area which will be used for agricultural purposes.

MUST MEET  
PER  
KATE MILTON  
MITCH KELLAN  
KAREN SCHWAB

Requested Variances - ~~1~~ BELL PROPERTY

The following variances from Section 1A03.4B.2 are requested for all existent structures:

- a. A dwelling setback of zero (0) feet from a property line (P/L) in lieu of the required twenty-five (25) feet;
- b. ~~If there are no other structures on the property:~~  
BARN
  1. Zero (0) feet for twenty-five (25) feet from a P/L
  2. EIGHTEEN (18) FEET IN LIEU OF 25'
- c. ~~For all other structures, the following setbacks are requested:~~
  1. Farm Shed 2, a setback of six (6) feet in lieu of required twenty five (25) feet;
  2. FARM SHED 2, SETBACK OF 18' IN LIEU OF 25'
  3. Farm Shed 3, a setback of twenty (20) feet in lieu of required twenty-five (25) feet; and
  4. Farm Shed 4, a setback of fifteen (15) feet in lieu of required twenty-five (25) feet.

REQUESTED VARIANCES - BGE

1. DWELLING SETBACK OF 0' IN LIEU OF 25'
2. BARN SETBACK OF 0' IN LIEU OF 25'
3. FARM SHED ① SETBACK OF 17' IN LIEU OF REQUIRED 25'

GORDON T. LANGDON  
HOWARD F. DEIACO-LONR  
BRUCE E. DOAK

**GERHOLD, CROSS & ETZEL, LTD.**  
*Registered Professional Land Surveyors*

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FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP K. CROSS  
OF COUNSEL  
JOHN F. ETZEL  
WILLIAM G. ULRICH

October 8, 1996

Mr. Wally Lippincott  
Representative of the Agricultural  
Land Preservation Board for  
Baltimore County  
D.E.P.R.M.  
401 Bosley Avenue  
Towson, Maryland 21204

Dear Mr. Lippincott:

Mr. Everett W. Bell, Jr. and wife are the owners of approximately 85 acres on the west side of Evna Road in the Seventh Election District of Baltimore County. As you can see on the attached subdivision plan, the property is bisected by a BGE tower line.

The Bells are in the Minor Subdivision Process for a three lot subdivision. They propose to subdivide the area on the southeast side of the tower line into three building lots, a non-density transfer parcel to add to the "Log Cabin Parcel" and an area for the existing one-story frame tenant house. They request the Farm Board approve the area shown as "Parcel A" (68 acres +/- on the northwest side of the tower line and 4 acres +/- on the southeast side of the tower line) as a "Reduced Acreage Farm." The Bells also request that the Board approve the existing one-story frame house as a tenant house and the existing buildings as accessory farm buildings. Thank you for your consideration of this request.

Sincerely,



Bruce E. Doak  
Principal

fmbrd1.1et

#229





**Baltimore County  
Department of Environmental Protection  
and Resource Management**

Bureau of Water Quality  
and Resource Management  
401 Bosley Avenue, Suite 416  
Towson, Maryland 21204  
(410) 887-5683  
Fax: (410) 887-4804

10/17/96

Dear Landowner:

Your application for a tenant building/ reduced acreage farm was reviewed by the Baltimore County Agricultural Land Preservation Advisory Board at its regularly scheduled meeting on October 9, 1996. PLEASE BE AWARE THAT THE AGRICULTURAL BOARD'S COMMENTS ARE ADVISORY IN NATURE. The Baltimore County Department of Permits and Development Management makes the final decision.

If you have any questions relating to the Agricultural Board's recommendation, please contact me at 887-3878.

Sincerely,

A handwritten signature in black ink, appearing to read "W. S. Lippincott, Jr.", with a stylized flourish at the end.

Wallace S. Lippincott, Jr.  
Program Administrator



Reference S. 400, 101, 404.2  
**BALTIMORE COUNTY, MARYLAND**

TO BE SUPPLIED BY  
 THE APPLICANT

**INTER-OFFICE CORRESPONDENCE**

**TO**

Department of Environmental Protection  
 and Resource Management

Date: OCTOBER 7, 1996

**FROM** Mr. Arnold Jablon, Director  
 Zoning Administration and  
 Development Management

**SUBJECT** REDUCED ACREAGE FARM

|                            |                                           |             |                       |
|----------------------------|-------------------------------------------|-------------|-----------------------|
| Election District <u>7</u> |                                           |             |                       |
| Owner:                     | <u>EVERETT WALTER BELL, JR &amp; WIFE</u> | Phone #     | <u>(410) 677-4441</u> |
| Address:                   | <u>1309 CONTINENTAL DRIVE, SUITE N</u>    | Tax Account |                       |
|                            | <u>ABINGDON, MARYLAND 21009</u>           | Number      |                       |
|                            |                                           | 07          | 20 04 51 40           |

Pursuant to the Zoning Commissioner's policy A-17, this office is officially requesting verification of the legitimacy of a farm use to continue on the reduced acreage on the referenced property. In the judgement of the Zoning Supervisor and/or the Zoning Commissioner, in consideration of your findings, a special hearing may be required before the Zoning Commissioner prior to any zoning approvals. We are submitting a copy of:

|                                             |     |       |        |
|---------------------------------------------|-----|-------|--------|
| the proposed lot + overall subdivision plan |     |       |        |
| the deed to the property                    | map | block | parcel |
| the state tax map for that area             | 21  | 9     | 67     |

We appreciate your verification and/or recommendations concerning this property.

\*\*\*\*\*  
**LEGITIMACY OF A FARM USE ON THE REDUCED ACREAGE**

☒ Yes ☐ No ☐ Comment ON FARM of 68 ACRES

Signed: [Signature]

Representative of the Agricultural  
 Land Preservation Board for  
 Baltimore County

Date: 10/9/96

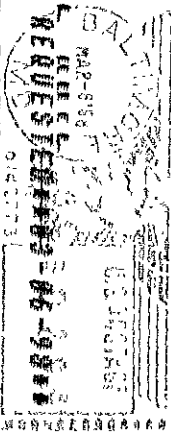
# 229

County Board of Appeals of Baltimore County  
 ROOM 49 OLD COURTHOUSE  
 TOWSON, MARYLAND 21204

☒ Insufficient Address  
☐ Moved, Let No Address  
☐ Attempted - Not Known  
☐ No Such Street  
☐ No Such Person  
☐ No Recipient  
☐ Not Deliverable  
☐ As Addressed  
☐ Unable To Forward

*[Handwritten signature]*

U.S. MAIL  
 ADDRESS SERVICE REQUEST  
 CITE IF DIFF RITE



3/5/98-Notice

MR E WALTER BELL JR  
 1209 CONTINENTAL DRIVE SUITE N  
 TOWSON, MD 21204  
 moved to 2224 Coesica

~~1209 CONTINENTAL DRIVE SUITE N TOWSON, MD 21204~~

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: April 7, 1999  
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*  
County Board of Appeals

SUBJECT: Closed Files on Remand:

96-161-SPH /John Brooks (ZC Order -8/24/98)  
97-203-SPHA /Larry G. Hoover, et ux (DZC Order 11/18/98)  
97-229-SPHA /E. Walter Bell, Jr. (ZC Order 7/6/98)  
97-347-SPH /SSAK Partnership (ZC Order 11/13/97)

Since the 30-day appellate period has expired with no further appeals having been taken in the above captioned cases, which were remanded to the Zoning Commissioner in 1998, we are hereby noting our records that these files are closed.

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Alexandra McMahon

Valley's Planning Council 212 WASHINGTON AVE  
ROUSON MD 21285



RECEIVED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRUCE E. DOAK - GERHOLD, CROSS & ETZEL, LTD 320 E. TOWNSHOWN BLVD TOWSON MD 21286

E.W. BELL

2229 CORSICA RD. BALTO, MD.

Newton A. Williams

502 Wash. Ave., 21204



0011789 010

Loyola College In Maryland, Inc.  
Evna Road  
Map 21, Grid 9, parcel 67 & 266

THIS DEED, Made this 6th day of September, in the year nineteen hundred and ninety-six,  
by and between LOYOLA COLLEGE IN MARYLAND, INC., A Maryland Corporation, party of  
the first part, and E. WALTER BELL, JR., party of the second part.

WITNESSETH, That in consideration for the sum of Three Hundred Sixty Thousand Dollars  
(\$360,000.00), the said Loyola College In Maryland, Inc., does grant and convey unto the said E.  
Walter Bell, individually, his assigns and/or personal representative, in fee simple, all those parcels  
of ground situate, lying, and being in Baltimore County, State of Maryland, and described as  
follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO

ALSO SEE EXHIBIT "B" ATTACHED HERETO

BEING the same lots of ground by Deed dated December 29, 1994 and recorded among the  
Land Records of Baltimore County in Liber 10906, folio 629 from Catherine Byrne Doehler and  
granting and conveying unto Loyola College In Maryland, Inc. in fee simple.

SUBJECT TO AND TOGETHER WITH all rights of record, including but not limited to  
those in Exhibit "B" attached hereto along with the buildings and improvements thereupon erected,  
made, or being and all and every the rights, alleys, ways, waters, privileges, appurtenances, and  
advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and  
mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances,

RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Baltimore County

JZ 9-9-96

ER

9/9/96

0011789 061

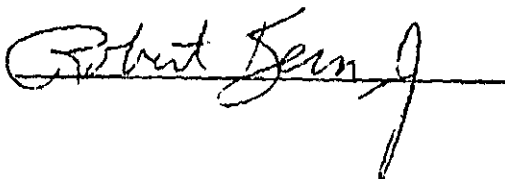
and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said E. Walter Bell, individually, his assigns and/or personal representatives, in fee simple.

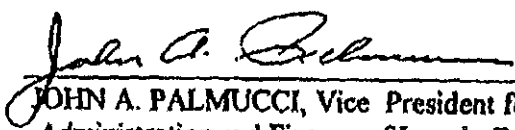
AND the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter, or thing whatsoever to encumber the property hereby conveyed, that it will warrant specially the property granted, and that it will execute such further assurances of the same as may be requisite.

AS WITNESS the signature of John A. Palmucci, Vice President for Administration and Finance of Loyola College In Maryland, Inc. and the corporate seal of the said body corporate, duly attested.

WITNESS:

Loyola College In Maryland, Inc., INC.



 (SEAL)  
JOHN A. PALMUCCI, Vice President for  
Administration and Finance of Loyola College  
In Maryland, Inc.

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

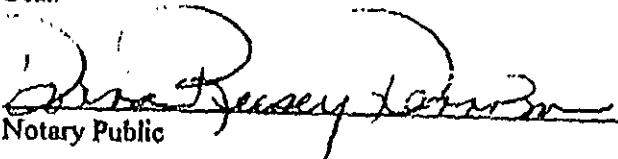
I HEREBY CERTIFY That on this 6th day of September, 1996, before me, a Notary Public of the State aforesaid, personally appeared John A. Palmucci, who acknowledged himself to be the Vice President for Administration and Finance of Loyola College In Maryland, Inc., of the Grantor corporation, and that he, as such Vice President for Administration and Finance of Loyola College In Maryland, Inc. being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of the said corporation by himself as Vice President for Administration and Finance of Loyola College In Maryland, Inc., and certified that this



0011789 042

conveyance is not part of a transaction in which there is a sale, lease, exchange, or other transfer of all or substantially all of the property and assets of the Grantor corporation; and further made oath that the consideration hereinabove set forth is true and correct.

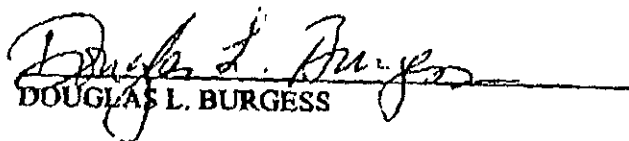
AS WITNESS my hand and Notarial Seal.

  
Notary Public

My Commission Expires 2/10/97

ATTORNEY'S CERTIFICATION

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

  
DOUGLAS L. BURGESS

Return to:  
Donna R. Dennison, Legal Assistant  
Nolan, Plumhoff & Williams, Chartered  
Suite 700, Court Towers  
210 West Pennsylvania Avenue  
Towson, Maryland 21204  
(File No. 4715/03)

## EXHIBIT "A"

0011789 043

GORDON V. LANGDON  
EDWARD F. DEBACCO-LOUIS  
BRUCE E. DOAK

**GERHOLD, CROSS & ETZEL, LTD.**  
*Registered Professional Land Surveyors*

SUITE 100  
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TOWSON, MARYLAND 21286-5318

410-823-4470  
FAX 410-823-4473

EMMENTON  
PAUL G. COLLENNBERG  
FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP H. CROSS  
OF COUNSEL  
JOHN F. ETZEL  
WILLIAM A. ULSEN

August 26, 1996

**68.369 Acre Parcel of Land**

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a concrete monument, heretofore set, at the end of the fifth or North 38 degrees 01 minutes West 1818.37 foot line of a parcel of land which by a Deed dated December 29, 1994 and recorded among the Land Records of Baltimore County in Liber S.M. No. 10906 folio 629 was conveyed by Catherine Byrne Doehler to Loyola College in Maryland, Inc. and running thence with and binding on the sixth, seventh, eighth, ninth, and tenth lines and on a part of the eleventh line of said parcel of land, as the courses are referred to the True Meridian as established by the Susquehanna Transmission Company of Maryland the six following courses and distances, viz: 1) North 58 degrees 19 minutes 39 seconds East 1746.57 feet to a concrete monument, heretofore set, 2) South 23 degrees 39 minutes 49 seconds East, binding on the lands of Everett Walter Bell, Jr. and wife, 1053.19 feet to a stone, heretofore set, 3) North 70 degrees 24 minutes 10 seconds East, binding on the lands of said Bell, 238.91 feet to a 3/4 inch iron bar, heretofore set, 4) North 66 degrees 27 minutes 04 seconds East, binding on the lands of said Bell, 658.11 feet, 5) North 66 degrees 23 minutes 04 seconds East, still binding on the lands of Bell, 361.89 feet to a 3/4 inch iron bar, heretofore set, and 6) North 61 degrees 24 minutes East, binding for a part on the lands of said Bell, 866.17 feet to intersect the northwesternmost right-of-way line of the Baltimore Gas & Electric Company Electric transmission line and the third or North 48 degrees 48 minutes 00 seconds East 2460 foot, more or less, line of a parcel of land which by a Deed dated February 26, 1969 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4970 folio 716 was conveyed by Sidney H. Tinley, Jr. and wife et al to Banker Trust Company, Trustee, et al, thence binding reversely on said third line and on the northwesternmost right-of-way line of said electrical transmission line, 7) South 48 degrees 48 minutes 00 seconds West 2428.02 feet to intersect the second or South 62 degrees 05 minutes West 1980 foot line of the aforesaid parcel of land which was conveyed by Doehler to Loyola College in Maryland, Inc., thence running with and binding on a part of said second line and running with and binding on a part of the second line of a parcel of land designated Parcel "A" and described in a Deed dated May 23, 1968 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4877 folio 695 which was conveyed by Donald B. Hebb and wife to Bankers Trust Company, Trustee, et al, thence running with and binding on a part of said second lines, 8) South 53 degrees 33 minutes 06 seconds West 572.04 feet to a stone, heretofore set, at the end of said second line of the parcel of land designated Parcel "A" described in the Deed from Hebb to Bankers Trust Company, Trustee, et al and to the end of the fourth or North 53 degrees 55 minutes East 1803.7 foot line of a parcel of land which by a Deed dated May 8, 1990 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8518 folio 32 was conveyed by Nancy M. Mays to Donald H. Mays and Nancy M. Mays, his wife, thence binding reversely on a part of said fourth line and running on the outlines of Loyola College in Maryland, Inc. 9) South 52 degrees 51 minutes 55 seconds West 273.37 feet to an iron pipe, heretofore set, at the beginning of the aforesaid fifth or North 38 degrees 01 minute West 1818.37 foot line of the parcel of land which was conveyed by

thenorth des

0011789 044

EXHIBIT A, Page 2 of 5

**GERHOLD, CROSS & ETZEL, LTD.**  
*Registered Professional Land Surveyors*

Doehler to Loyola College in Maryland, Inc. and thence running with and binding on said line, 10) North 46 degrees 40 minutes 54 seconds West 1820.69 feet to the place of beginning.

Containing 68.369 Acres of land, more or less.

Being part of a parcel of land which by a Deed dated December 29, 1994 and recorded among the Land Records of Baltimore County in Liber S.M. No. 10906 folio 629 was conveyed by Catherine Byrne Doehler to Loyola College in Maryland, Inc.



Belnorth.dcs

0011789 045

GORDON T. LANGDON  
 EDWARD F. DEJACOLONE  
 L. BRUCE E. DOAN

**GERHOLD, CROSS & ETZEL, LTD.***Registered Professional Land Surveyors*

SUITE 100  
 320 EAST TOWSONTOWN BOULEVARD  
 TOWSON, MARYLAND 21286-5318

410-823-4470  
 FAX 410-823-4473

EMERITUS  
 PAUL G. DOLLENBERG  
 FRED H. DOLLENBERG  
 CARL L. GERHOLD  
 PHILIP H. CROSS  
 OF COUNSEL  
 JOHN F. ETZEL  
 WILLIAM A. ULLICH

August 29, 1996

**17.0364 Acre Parcel of Land**

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a stone marked DNB, heretofore set, at the beginning of a parcel of land which by a Deed dated December 29, 1994 and recorded among the Land Records of Baltimore County in Liber S.M. No. 10906 folio 629 was conveyed by Catherine Byrne Doehler to Loyola College in Maryland, Inc. and running thence with and binding on a part of the first line of said parcel of land, as the courses are referred to the True Meridian as established by the Susquehanna Transmission Company of Maryland, 1) North 32 degrees 04 minutes 52 seconds West 368.25 feet to intersect the southeasternmost right-of-way line of the Baltimore Gas and Electric Company electrical transmission line and to the end of the fourteenth or South 48 degrees 48 minutes 00 seconds West 1540 foot, more or less, line of a parcel of land which by a Deed dated February 26, 1969 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4970 folio 716 was conveyed by Sidney H. Tinley, Jr. and wife et al to Bankers Trust Company, Trustees et al, thence binding reversely on said fourteenth line and binding on the southeasternmost right-of-way line of said electrical transmission line, 2) North 48 degrees 48 minutes 00 seconds East 1528.32 feet to the easternmost side of Evna Road and to intersect the eighteenth or South 4 degrees 20 minutes West 61.96 foot line of the aforesaid parcel of land which was conveyed by Doehler to Loyola College in Maryland, Inc., thence running with and binding on a part of said eighteenth line and running with and binding on the nineteenth, twentieth, twenty-first, and twenty-second lines of said parcel of land and binding on the easternmost side of Evna Road, the five following courses and distances, viz: 3) South 2 degrees 40 minutes 20 seconds East 40.21 feet, 4) South 15 degrees 10 minutes 20 seconds East 77.02 feet, 5) South 24 degrees 39 minutes 20 seconds East 81.83 feet, 6) South 34 degrees 45 minutes 20 seconds East 112.09 feet, and 7) South 32 degrees 46 minutes 28 seconds East 61.35 feet to a pipe, heretofore set, thence running with and binding on the twenty-third line of said last mentioned parcel of land and binding in Evna road, as now surveyed, 8) South 9 degrees 20 minutes 02 seconds East 336.82 feet to a point in the center of Evna road and to the beginning of the last line of said parcel of land which was conveyed by Doehler to Loyola College in Maryland, Inc. and thence leaving said road and thence running with and binding on said last line, 9) South 60 degrees 38 minutes 28 seconds West 1333.52 feet to the place of beginning.

Containing 17.0364 Acres of land, more or less.

Being part of a parcel of land which by a Deed dated December 29, 1994 and recorded among the Land Records of Baltimore County in Liber S.M. No. 10906 folio 629 was conveyed by Catherine Byrne Doehler to Loyola College in Maryland, Inc.

Subject to a 15 foot road heretofore laid out and mentioned in the following Saving and Exception known as the "Log Cabin Lot."

BelSouth dcs

0011789 046

EXHIBIT A, Page 4 of 5

**GERHOLD, CROSS & ETZEL, LTD.**  
*Registered Professional Land Surveyors*

Saving and excepting therefrom, however, the following described parcel of land containing 0.574 of an Acre, more or less, surveyed on February 12, 1968 by Keller and Keller, Surveyors and known as the "Log Cabin Lot" and separately owned by the grantor herein, Loyola College in Maryland, Inc.

Beginning for the same at a point on the southwest side of a 15 foot road, heretofore laid out, leading to Evna Road, heretofore mentioned in a Deed dated August 23, 1989 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8281 folio 668 was conveyed by Robert C. Prem, Personal Representative of the estate of Mary Edna Busch, deceased, to Catherine Byrna Doehler, said point being distant, as now surveyed in 1996 and the following courses are referred to the True Meridian as established by the Susquehanna Transmission of Maryland, South 51 degrees 16 minutes 18 seconds West 121.51 feet from a pipe, heretofore set, at the end of the seventh or South 32 degrees 46 minutes 28 seconds East 61.35 foot line of the herein described 17.0364 acre parcel of land, said point of beginning also being distant South 50 degrees 35 minutes 14 seconds East 140.18 feet from the brick pier at the southeast corner of the porch of said log cabin erected on the lot now being described and running thence from said place of beginning and binding on the said southwest side of said 15 foot road to be used in common with the grantor, Loyola College in Maryland, Inc., their heirs and assigns and running with and binding on the first line of said exception in said Deed from Prem to Doehler, 1) North 39 degrees 52 minutes 58 seconds West 250.00 feet to a point distant, South 19 degrees 27 minutes 07 seconds East 53.12 feet from the stone foundation of the southernmost corner of the barn there situate and running thence with and binding on the second, third, and last lines of said exception, the three following courses and distances, viz: 2) South 50 degrees 07 minutes 02 seconds West 100.00 feet, 3) South 39 degrees 52 minutes 58 seconds East 250.00 feet and 4) North 50 degrees 07 minutes 02 seconds East 100.00 feet to the place of beginning.

Containing 0.5739 of an Acre of land, more or less.

The parcel of land hereby conveyed contains 17.0364 Acres - 0.5739 of an Acre = 16.4625 Acres, more or less.



BelSouth des

0011739 047

EXHIBIT A, Page 5 of 5

GORDON T. LANGDON  
EDWARD F. DELACROIX  
BRUCE E. DOAN

**GERHOLD, CROSS & EITZEL, LTD.***Registered Professional Land Surveyors*

SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
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EMERYUS  
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FRED H. DOLLENBERG  
CARL L. GERHOLD  
PHILIP A. CROSS  
OF COUNSEL  
JOHN F. EITZEL  
WILLIAM G. ULRICH

August 30, 1996

**Log Cabin Lot**  
**0.5739 of an Acre, More or Less**

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the southwest side of a 15 foot road, heretofore laid out, leading to Evna Road, heretofore mentioned in a Deed dated August 23, 1989 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8281 folio 668 was conveyed by Robert C. Prem, Personal Representative of the Estate of Mary Edna Busch, deceased to Catherine Byrne Dochler, said point being distant, as now surveyed in 1996 and the following courses are referred to the true Meridian as established by the Susquehanna Transmission Company of Maryland, South 51 degrees 16 minutes 18 seconds West 121.51 feet from a pipe, heretofore set, at the end of the seventh or South 32 degrees 46 minutes 28 seconds East 61.35 foot line of a parcel of land containing net 16.4625 acres, more or less, to be conveyed prior hereto, by Loyola College in Maryland, Inc., said point of beginning also being distant South 50 degrees 35 minutes 14 seconds East 140.18 feet from the brick pier at the southwest corner of the porch of the log cabin erected on the lot now being described and running thence from said place of beginning and binding on the said southwest side of said 15 foot road, heretofore laid out, to be used in common with the grantor, Loyola College in Maryland, Inc., their heirs and assigns and running with and binding on the first line of the parcel of land excepted in said Deed from Prem to Dochler, 1) North 39 degrees 52 minutes 58 West 250.00 feet to a point distant South 19 degrees 27 minutes 07 seconds East 53.12 feet from the stone foundation of the southernmost corner of the barn, there situate, and running thence with and binding on the second, third, and last lines of said exception, the three following courses and distances, viz: 2) South 50 degrees 07 minutes 02 seconds West 100.00 feet, 3) South 39 degrees 52 minutes 58 seconds East 250.00 feet and 4) North 50 degrees 07 minutes 02 seconds East 100.00 feet to the place of beginning.

Combining 0.5739 of an Acre of land, more or less.

Being part of the parcel of land which by a Deed dated December 29, 1994 and recorded among the Land Records of Baltimore County in Liber S.M. No. 10906 folio 629 was conveyed by Catherine Byrne Dochler to Loyola College in Maryland, Inc.

Note: See Being Clause Item (2) 0.574 Acres "Log Cabin Parcel" in said Deed S.M. 10906 folio 629.

Together with the right to the use in common with others entitled thereto of the above mentioned 15 foot road which leads to Evna Road.

Log Cabin des



0011739 048

Page 1 of 2

EXHIBIT B

SUBJECT to the right of Baltimore Gas and Electric Company as described in a Deed dated February 26, 1969 and recorded among the Land Records of Baltimore County in Liber 4970, folio 716, to have access at all times, using existing roads as far as practicable, for the construction, operation and maintenance of towers, poles, structures, wires, cables, conduits, gas pipes or other facilities upon, over or under said parcel of land, and together with the right to trim or cut down and remove all trees on the land adjacent to said parcel of land which might at any time, in the sole judgment of Baltimore Gas and Electric Company, their successors and assigns, be liable to interfere with or fall on any of the facilities of Baltimore Gas and Electric Company, its successors or assigns.

TOGETHER with, per a Deed dated February 26, 1969 and recorded among the Land Records of Baltimore County in Liber 4970, folio 716, that the said Grantee herein, his heirs and assigns, have the right to cross said parcel of land and extend roads and public utility facilities across said parcel of land any where except within fifty (50) feet of any structure of Baltimore Gas and Electric Company, and if such roads or facilities interfere with the use of said parcel of land by Baltimore Gas and Electric Company it will relocate them, and the right to farm and use the same in any other manner as long as such other use, in the sole judgment of Baltimore Gas and Electric Company or their successors

0011789 049

## Exhibit B, Page 2 of 2

and assigns, will not interfere with the construction, operation and maintenance of Baltimore Gas and Electric Company's existing or future facilities, but there shall not be erected any buildings or structures thereon by the Grantee herein; any crops which may be damaged on land adjacent to said parcel of land because of such construction, operation and maintenance shall be paid for at prevailing market prices by Baltimore Gas and Electric Company.



THIS DEED, Made this 26<sup>th</sup> day of February, in the year one thousand nine hundred and sixty-nine, by and between SIDNEY H. TINLEY, JR. and VIRGINIA P. TINLEY, his wife, CATHERINE BYRNE DOEHLER and EDWARD A. DOEHLER, her husband, and MARY EDNA BUSCH, single, parties of the first part, BANKERS TRUST COMPANY, a corporation of the State of New York, Trustee, party of the second part, and BALTIMORE GAS AND ELECTRIC COMPANY, a corporation of the State of Maryland, party of the third part.

WHEREAS, the parties of the first part are the owners of fee simple tract of land situate in the Seventh Election District of Baltimore County, State of Maryland, particularly described in a Deed dated February 29, 1968 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4891, folio 502; and

WHEREAS, the party of the third part is vested with the power of condemnation by the laws of the State of Maryland, however, the party of the third part secured an option from the parties of the first part to purchase a portion of their property, said portion being hereinafter more particularly described, in lieu of condemnation, together with certain rights appertaining thereto or as hereinafter set forth; and

WHEREAS, the parties of the first part granted to the party of the third part an option to purchase the subject property in order to avoid the necessity of the party of the third part's condemnation of said property and in order to arrive at settlement with the party of the third part; and

WHEREAS, the said party of the third part, by its original indenture dated February 1, 1919, and recorded among the Mortgage Records of Baltimore County in Liber W.P.C. No. 555, folio 1, etc., and thirty (30) indentures supplemental thereto, the last being dated December 15, 1968, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4949, folio 91, etc., conveyed to the said party of the second part, Trustee, for the uses and purposes therein set forth, all the property of the said Baltimore Gas and Electric Company then owned or thereafter to be acquired by it; and

WHEREAS, in order to vest the title to the property hereinafter described in the said party of the second part, as Trustee under said original indenture dated February 1, 1919, and indentures supplemental thereto, it is now proposed to grant and convey the property hereinafter described directly to the said party of the second part, as such Trustee, and to the said party of the third part, subject

14125

in all respects, to the right, title and interest of the said party of the second part, as such Trustee.

NOW, THEREFORE, THIS DEED WITNESSETH: That in consideration of the premises and the sum of Five (\$5.00) Dollars, and other valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said Bankers Trust Company, Trustee under the aforesaid original indenture dated February 1, 1919 and indentures supplemental thereto, and its successors in said trust, for the uses and purposes and upon the trusts in said indentures set forth, and, subject to the interest and estate so vested in Bankers Trust Company, Trustee, unto the said Baltimore Gas and Electric Company, its successors and assigns in fee simple, all the parcel of land situate in the Seventh Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point on the northwesternmost side of an existing electrical transmission line right-of-way, 150 feet wide, heretofore granted by George W. Thompson, widower to Susquehanna Transmission Company of Maryland by a deed of right-of-way dated March 27, 1931 and recorded among the Land Records of Baltimore County in Liber L.M.C. No. 879, folio 212; said point of beginning being in the first or North 23 degrees 25 minutes West 711-27/100 foot line of that parcel of land which by a deed dated February 29, 1968 and recorded as aforesaid in Liber O.T.G. No. 4891, folio 502 was conveyed by Maureen E. Fink, single to Sidney H. Tinley, Jr., Catherine Byrne Doehler and Mary Edna Busch, single thence running with and binding on a part of said line to the end thereof, thence running with and binding on a part of the second or South 62 degrees 05 minutes West 1980 foot line of said conveyance to the northwesternmost side of the parcel of land now being described, thence running for a line of division parallel to and 150 feet distant measured at right angles in a northwesterly direction from the northwesternmost side of the aforesaid electrical transmission line right-of-way 150 feet wide North 48 degrees 48 minutes 00 seconds East 2460 feet more or less to intersect the eleventh or North 70 degrees 07 minutes East 1074-2/100 foot line of the above mentioned conveyance from Fink to Tinley, et al, thence running with and binding on a part of said line to the end thereof, and to a point in Evna Road, thence running in said road and running with and binding on the twelfth or South 19 degrees 19 minutes East 21-95/100 foot line and on a part of the thirteenth or South 35 degrees 50 minutes East 169-35/100 foot line of said conveyance to intersect the northwesternmost side of said electrical transmission line right-of-way, thence still running in said road and still running with and binding on a part of said thirteenth line to the end thereof, and to intersect the easterly side of said Evna Road, thence binding on said side of said road and running with and binding on the fourteenth or South 23 degrees 37 minutes West 49-64/100 foot line, the fifteenth or South 46 degrees 10 minutes West 144-70/100 foot line and on a part of the sixteenth or South 38 degrees 15 minutes West 166-74/100 foot line of said conveyance, to intersect the southeasternmost side of said electrical transmission line right-of-way, thence still running on said side of said road and running with and binding on a part of said sixteenth line, the seventeenth or South 20 degrees 16 minutes West 55-82/100 foot line and on a part of the eighteenth or South 4 degrees 20 minutes West 61-96/100 foot line of said conveyance, to the southeasternmost side of the parcel of land now being described, thence running for a line of division parallel to and 100 feet distant measured at right angles in a southeasterly direction from the southeasternmost side of the aforesaid electrical transmission line right-of-way 150 feet wide South 48 degrees 48 minutes 00 seconds West 1540 feet more or less to intersect the first or North 23 degrees 25 minutes West 711-27/100 foot line of the above mentioned conveyance from Fink to Tinley, et al, thence running with and binding on a part of said line to intersect the southeasternmost side of said electrical transmission line right-of-way, thence still running with and binding on a part of said first line to the place of beginning.

Containing 17.1 acres of land more or less.

The course of the northwesternmost and southeasternmost sides of the above described parcel of land is referred to the aforementioned deed of right-of-way from George W. Thompson, Widower to Susquehanna Transmission Company of Maryland.

BEING a part of that parcel of land which by a deed dated February 29, 1968 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4891, folio 502 was conveyed by Maureen E. Fink, single to Sidney H. Tinley, Jr., Catherine Byrne Doehler and Mary Edna Busch, single.

That part of the above described parcel of land lying in Evna Road is subject to Public use.

The above described parcel of land is shown outlined in red on Plat No. 11983-B attached hereto and made a part hereof.

TOGETHER with the right to have access at all times, using existing roads as far as practicable, for the construction, operation and maintenance of towers, poles, structures, wires, cables, conduits, gas pipes or other facilities upon, over or under said parcel of land, and together with the right to trim or cut down and remove all trees on the land adjacent to said parcel of land which might at any time, in the sole judgment of the parties of the second and third parts, or either of them, their successors and assigns, or the successors and assigns of either of them, be liable to interfere with or fall on any of the facilities of the party of the third part, its successors or assigns.

RESERVING, however, unto the said parties of the first part, their heirs and assigns, the right to cross said parcel of land and extend roads and public utility facilities across said parcel of land any where except within fifty (50) feet of any structure of the said party of the third part, and if such roads or facilities interfere with the use of said parcel of land by the said party of the third part, it will relocate them, and the right to farm and use the same in any other manner as long as such other use, in the sole judgment of the parties of the second and third parts, or either of them, their successors and assigns, or the successors and assigns of either of them will not interfere with the construction, operation and maintenance of the party of the third part's existing or future facilities, but there shall not be erected any buildings or structures thereon by the parties of the first part; any crops which may be damaged on land adjacent to said parcel of land because of such construction, operation and maintenance shall be paid for at prevailing market prices by the party of the third part.

TOGETHER with any, all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD said parcel of land and premises above described, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said BANKERS TRUST COMPANY, Trustee under the aforesaid original indenture of February 1, 1919, and indentures supplemental thereto, and its successors in said trust, for the uses and purposes and upon the trusts in said indentures set forth, in fee simple.

TO HAVE AND TO HOLD said parcel of land and premises above described, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said BALTIMORE GAS AND ELECTRIC COMPANY, its successors and assigns, subject to the interest and estate so vested in the Bankers Trust Company, Trustee, in fee simple.

AND the said parties of the first part hereby covenant that they will warrant specially the property hereby conveyed and that they will execute such further assurances of said land as may be requisite.

WITNESS the hands and seals of the within named parties of the first part.

WITNESS:

*as to all*

*Sidney H. Tinley, Jr.* (SEAL)  
Sidney H. Tinley, Jr.

*Virginia P. Tinley* (SEAL)  
Virginia P. Tinley

*Catherine Byrne Dochler* (SEAL)  
Catherine Byrne Dochler

*Edward A. Dochler* (SEAL)  
Edward A. Dochler

*Mary Edna Busch* (SEAL)  
Mary Edna Busch

STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 26th day of February, 1969 before me, a Notary Public of the State aforesaid, personally appeared SIDNEY H. TINLEY, JR. and VIRGINIA P. TINLEY, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

*Ethel L. Walmer*  
 Ethel L. Walmer Notary Public  
 My commission expires: July 1, 1969

STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 26th day of February, 1969 before me, a Notary Public of the State aforesaid, personally appeared CATHERINE BYRNE DOEHLER and EDWARD A. DOEHLER, her husband, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

*Ethel L. Walmer*  
 Ethel L. Walmer Notary Public  
 My commission expires: July 1, 1969

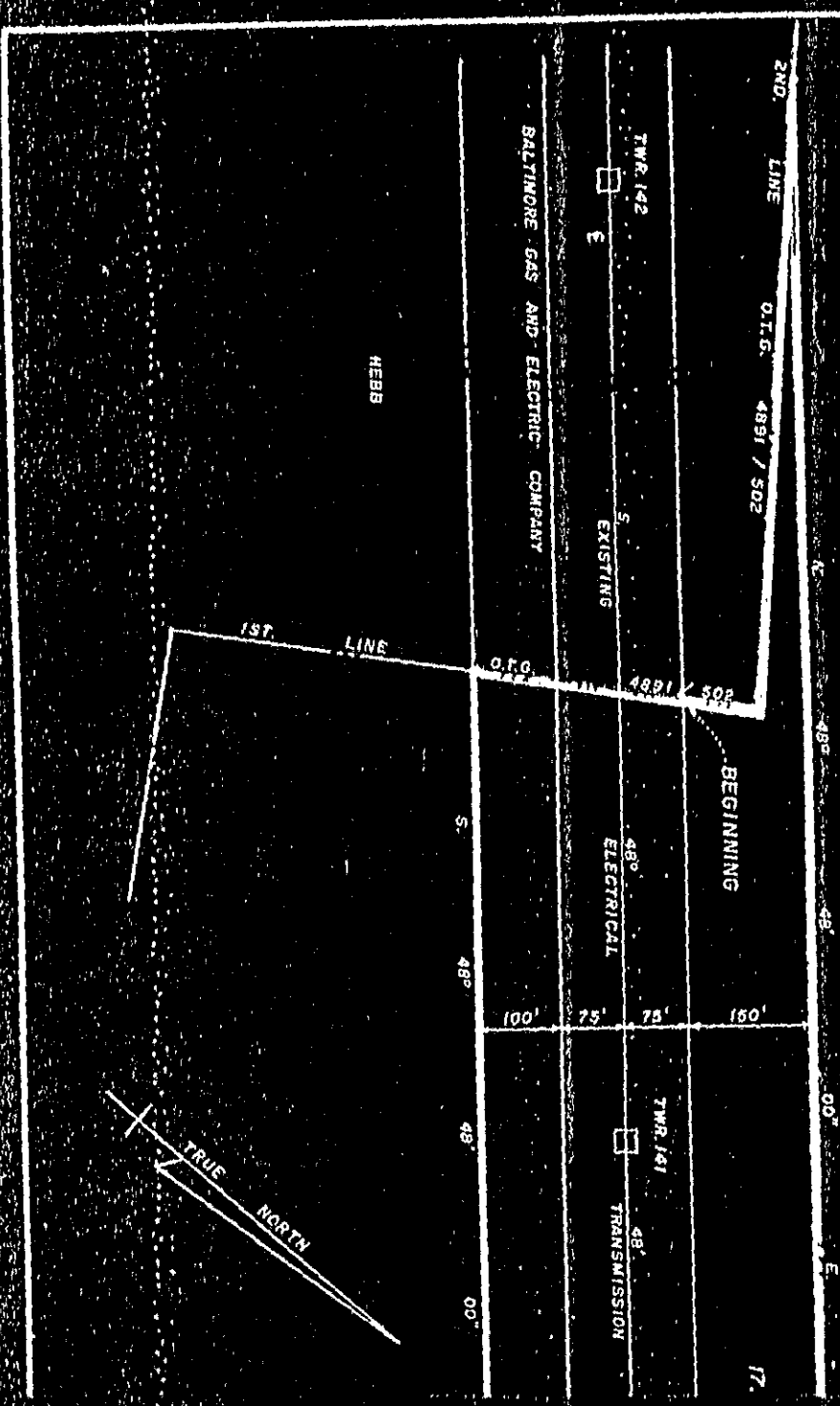
STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 26th day of February, 1969 before me, a Notary Public of the State aforesaid, personally appeared MARY EDNA BUSCH, single, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

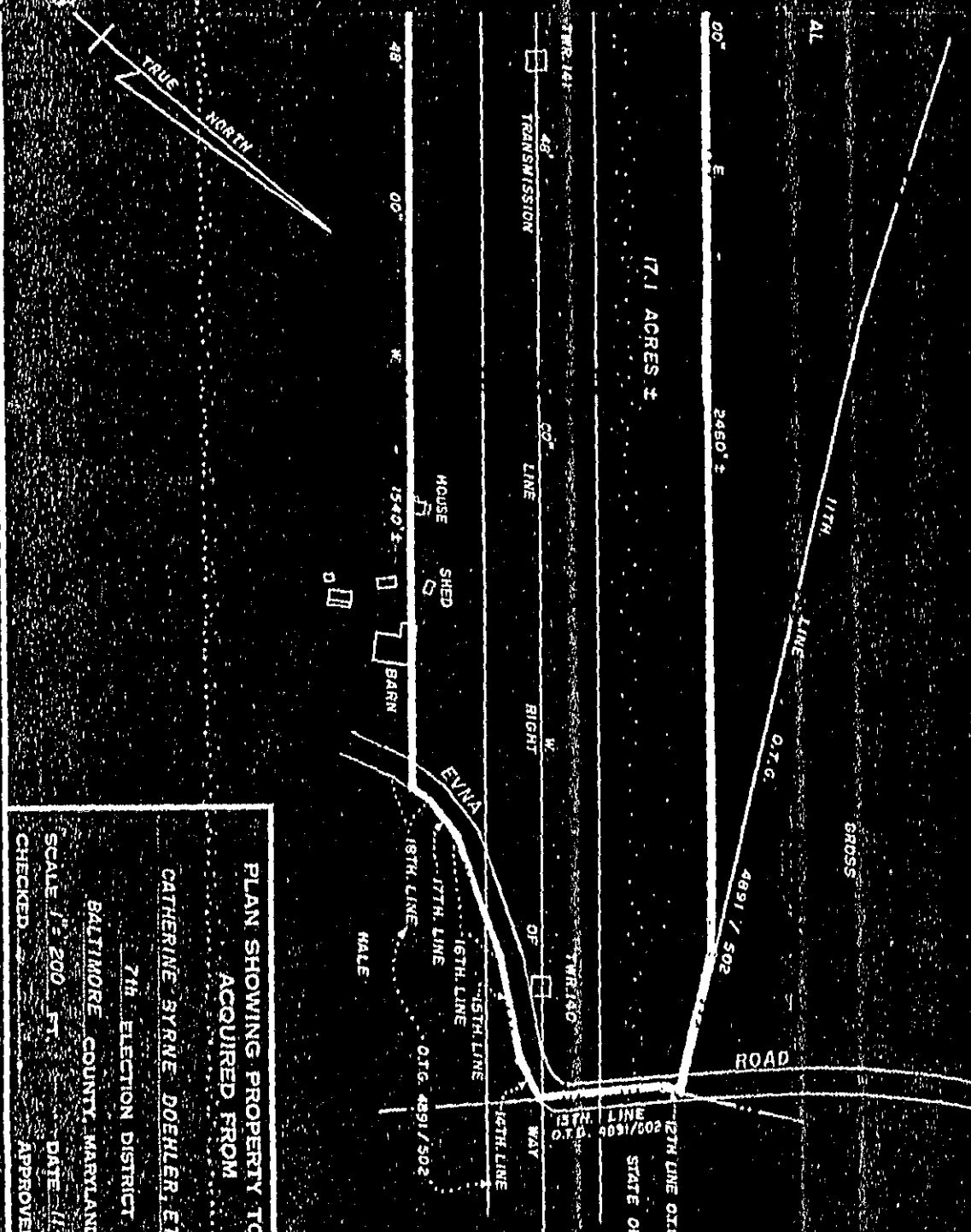
*Ethel L. Walmer*  
 Ethel L. Walmer Notary Public  
 My commission expires: July 1, 1969

PROPERTY OF  
CATHERINE BYRNE DOEHLER, ET AL



11983 - B

PARCEL 34



PLAN SHOWING PROPERTY TO BE  
ACQUIRED FROM

CATHERINE BYRNE DOEHLER ET AL

7th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

SCALE 1" = 200 FT. DATE 11-18-68

CHECKED APPROVED

Rec'd for record MAR 10 1969 at 1-P  
Per O. Lile T. Gosnell, Clerk

Mailed to THE LILE GUARANTEE COMPANY

Receipt No. 236760 \$ 24.50



THIS DEED made this ~~29~~<sup>27</sup> day of February, 1968, by and between Maureen E. Fink, single, Grantor, party of the first part and Catherine Byrne Doehler and Mary Edna Busch, single, as joint tenants with the right of survivorship, not tenants in common, Grantees, parties of the second part.

WITNESSETH: that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto Catherine Byrne Doehler and Mary Edna Busch, single, as joint tenants with the right of survivorship, not tenants in common, their heirs and assigns, in fee simple, all that lot of ground situate in the Seventh Election District in Baltimore County, Maryland, and more particularly described as follows, that is to say:

BEGINNING for the same at an iron bolt driven in the ground on the Southwest side of a 15' Road leading to Mt. Evna Road, distant South  $56^{\circ}43'$  West  $133.25'$  from the end of the 22nd or South  $25^{\circ}41'$ ,  $62.03'$  foot line of the whole tract of land of which the lot now being described is a part and which said whole tract of land is described in a Deed dated June 23, 1959 and recorded among the Land Records of Baltimore County in Liber WJR 3549 folio 93 from F. Edwin Stevens and Catherine Bosley Stevens, his wife to E. Catherine Byrne, single; said place of beginning being also distant South  $40^{\circ}57'$  East  $140.20'$  from the brick pier at the Southeast corner of the porch of the Log Cabin erected on the lot now being described; and running thence from said place of beginning binding on the said Southwest side of said 15' Road to be used in common with others entitled thereto, North  $30^{\circ}15'$  West  $250.0'$  to a point distant South  $09^{\circ}49'$  East  $53.10'$  from the stone foundation of the Southernmost corner of the barn there situate; thence running South  $59^{\circ}45'$  West  $100'$ ; thence South  $30^{\circ}15'$  East  $250'$  and thence North  $59^{\circ}45'$  East  $100'$  more or less to the place of beginning.

CONTAINING 0.574 acre of land, more or less according to a survey made by Keller & Keller, State Registered Land Surveyors dated February 12, 1968.

BEING improved by a two story Log Cabin and frame shed.

BEING also that same lot of ground which was saved, excepted and reserved from the land conveyed by deed dated February 27, 1968 and recorded or intended to be recorded among the land records of Baltimore County by the Grantor herein to Sidney H. Tinley, Jr., Catherine Byrne Doehler and Mary Edna Busch.

PRIOR  
CURRENT FOR P. 266 (LOG CABIN)



TOGETHER with the buildings and improvements thereon, the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD said land and premises above described, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said Catherine Byrne Doehler and Mary Edna Busch, single, as joint tenants with right of survivorship, not as tenants in common, their heirs and assigns, in fee simple in said land.

AND the said Grantor covenants that she will warrant specially the property hereby granted and conveyed, and that she will execute such other and further assurances of said land as may be requisite.

IN WITNESS WHEREOF, Grantor has caused this Deed to be signed by her hand and seal as of the day and year first above written.

WITNESS:

Joseph M. Raulha Maureen E. Fink (SEAL)  
Maureen E. Fink

STATE OF MARYLAND

Baltimore County

I HEREBY CERTIFY that on this 29<sup>th</sup> day of February 1968, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County personally appeared Maureen E. Fink, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official

Record for record JUN 27 1968 at 2:30 PM

Willie T. Gosnell, Clerk

Joseph M. Raulha

Receipt No. 174 389 \$ 5.50

My Commission expires: 7/1/69

Joseph M. Raulha  
Notary Public  
JOSEPH M. ROULHAC

THIS DEED, Made this 26<sup>th</sup> day of February in the year one thousand nine hundred and sixty-nine, by and between SIDNEY H. TINLEY, JR. and VIRGINIA B. TINLEY, his wife, CATHERINE BYRNE DOEHLER and EDWARD A. DOEHLER, her husband, and MARY EDNA BUSCH, single, parties of the first part, BANKERS TRUST COMPANY, a corporation of the State of New York, Trustee, party of the second part, and BALTIMORE GAS AND ELECTRIC COMPANY, a corporation of the State of Maryland, party of the third part.

WHEREAS, the parties of the first part are the owners of fee simple tract of land situate in the Seventh Election District of Baltimore County, State of Maryland, particularly described in a Deed dated February 29, 1968 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4891, folio 502; and

WHEREAS, the party of the third part is vested with the power of condemnation by the laws of the State of Maryland, however, the party of the third part secured an option from the parties of the first part to purchase a portion of their property, said portion being hereinafter more particularly described, in lieu of condemnation, together with certain rights appertaining thereto or as hereinafter set forth; and

WHEREAS, the parties of the first part granted to the party of the third part an option to purchase the subject property in order to avoid the necessity of the party of the third part's condemnation of said property and in order to arrive at settlement with the party of the third part; and

WHEREAS, the said party of the third part, by its original indenture dated February 1, 1919, and recorded among the Mortgage Records of Baltimore County in Liber W.P.C. No. 555, folio 1, etc., and thirty (30) indentures supplemental thereto, the last being dated December 15, 1968, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4949, folio 91, etc., conveyed to the said party of the second part, Trustee, for the uses and purposes therein set forth, all the property of the said Baltimore Gas and Electric Company then owned or thereafter to be acquired by it; and

WHEREAS, in order to vest the title to the property hereinafter described in the said party of the second part, as Trustee under said original indenture dated February 1, 1919, and indentures supplemental thereto, it is now proposed to grant and convey the property hereinafter described directly to the said party of the second part, as such Trustee, and to the said party of the third part, subject



P 275 DEU  
LIB 4970 MAR 7 1971

in all respects, to the right, title and interest of the said party of the second part, as such Trustee.

NOW, THEREFORE, THIS DEED WITNESSETH: That in consideration of the premises and the sum of Five (\$5.00) Dollars, and other valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said Bankers Trust Company, Trustee under the aforesaid original indenture dated February 1, 1919 and indentures supplemental thereto, and its successors in said trust, for the uses and purposes and upon the trusts in said indentures set forth, and subject to the interest and estate so vested in Bankers Trust Company, Trustee, unto the said Baltimore Gas and Electric Company, its successors and assigns, in fee simple, all the parcel of land situate in the Seventh Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point on the northwesternmost side of an existing electrical transmission line right-of-way, 150 feet wide, heretofore granted by George W. Thompson, widower to Susquehanna Transmission Company of Maryland by a deed of right-of-way dated March 27, 1931 and recorded among the Land Records of Baltimore County in Liber L Mc L M No. 879, folio 212, said point of beginning being in the first or North 23 degrees 25 minutes West 711-27/100 foot line of that parcel of land which by a deed dated February 29, 1968 and recorded as aforesaid in Liber O T G No. 4891, folio 502 was conveyed by Maureen E. Fink single to Sidney H. Tinley, Jr., Catherine Byrne Doehler and Mary Edna Busch, single thence running with and binding on a part of said line to the end thereof, thence running with and binding on a part of the second or South 62 degrees 05 minutes West 1980 foot line of said conveyance to the northwesternmost side of the parcel of land now being described, thence running for a line of division parallel to and 150 feet distant measured at right angles in a northwesterly direction from the northwesternmost side of the aforesaid electrical transmission line right-of-way 150 feet wide North 48 degrees 48 minutes 00 seconds East 2460 feet more or less to intersect the eleventh or North 70 degrees 07 minutes East 1074-2/100 foot line of the above mentioned conveyance from Fink to Tinley, et al. thence running with and binding on a part of said line to the end thereof, and to a point in Evna Road, thence running in said road and running with and binding on the twelfth or South 19 degrees 19 minutes East 21-95/100 foot line and on a part of the thirteenth or South 35 degrees 50 minutes East 169-35/100 foot line of said conveyance to intersect the northwesternmost side of said electrical transmission line right-of-way, thence still running in said road and still running with and binding on a part of said thirteenth line to the end thereof, and to intersect the easterly side of said Evna Road, thence binding on said side of said road and running with and binding on the fourteenth or South 23 degrees 37 minutes West 49-64/100 foot line, the fifteenth or South 46 degrees 10 minutes West 144-70/100 foot line and on a part of the sixteenth or South 38 degrees 15 minutes West 166-74/100 foot line of said conveyance, to intersect the southeasternmost side of said electrical transmission line right-of-way, thence still running on said side of said road and running with and binding on a part of said sixteenth line, the seventeenth or South 20 degrees 16 minutes West 55-82/100 foot line and on a part of the eighteenth or South 4 degrees 20 minutes West 51-96/100 foot line of said conveyance, to the southeasternmost side of the parcel of land now being described, thence running for a line of division parallel to and 100 feet distant measured at right angles in a southeasterly direction from the southeasternmost side of the aforesaid electrical transmission line right-of-way 150 feet wide South 48 degrees 48 minutes 00 seconds West 1540 feet more or less to intersect the first or North 23 degrees 25 minutes West 711-27/100 foot line of the above mentioned conveyance from Fink to Tinley, et al. thence running with and binding on a part of said line to intersect the southeasternmost side of said electrical transmission line right-of-way, thence still running with and binding on a part of said first line to the place of beginning.

Containing 17/1 acres of land more or less.

OTG

4970/717

P 275



The course of the northwesternmost and southeasternmost sides of the above described parcel of land is referred to the aforementioned deed of right-of-way from George W. Thompson, Widower to Susquehanna Transmission Company of Maryland.

BEING a part of that parcel of land which by a deed dated February 29, 1968 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4891, folio 502 was conveyed by Maureen E. Fink, single to Sidney H. Tinley Jr., Catherine Byrne Doehler and Mary Edna Busch, single.

That part of the above described parcel of land lying in Evna Road is subject to Public use.

The above described parcel of land is shown outlined in red on Plat No. 11983-B attached hereto and made a part hereof.

TOGETHER with the right to have access at all times, using existing roads as far as practicable, for the construction, operation and maintenance of towers, poles, structures, wires, cables, conduits, gas pipes or other facilities upon, over or under said parcel of land, and together with the right to trim or cut down and remove all trees on the land adjacent to said parcel of land which might at any time, in the sole judgment of the parties of the second and third parts, or either of them, their successors and assigns, or the successors and assigns of either of them, be liable to interfere with or fall on any of the facilities of the party of the third part, its successors or assigns.

RESERVING, however, unto the said parties of the first part, their heirs and assigns, the right to cross said parcel of land and extend roads and public utility facilities across said parcel of land any where except within fifty (50) feet of any structure of the said party of the third part, and if such roads or facilities interfere with the use of said parcel of land by the said party of the third part, it will relocate them, and the right to farm and use the same in any other manner as long as such other use, in the sole judgment of the parties of the second and third parts, or either of them, their successors and assigns, or the successors and assigns of either of them will not interfere with the construction, operation and maintenance of the party of the third part's existing or future facilities, but there shall not be erected any buildings or structures thereon by the parties of the first part; any crops which may be damaged on land adjacent to said parcel of land because of such construction, operation and maintenance shall be paid for at prevailing market prices by the party of the third part.

TOGETHER with any, all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.



TO HAVE AND TO HOLD said parcel of land and premises above described and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said BANKERS TRUST COMPANY, Trustee under the aforesaid original indenture of February 1, 1919, and indentures supplemental thereto, and its successors in said trust, for the uses and purposes and upon the trusts in said indentures set forth, in fee simple.

TO HAVE AND TO HOLD said parcel of land and premises above described, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said BALTIMORE GAS AND ELECTRIC COMPANY, its successors and assigns, subject to the interest and estate so vested in the Bankers Trust Company, Trustee, in fee simple.

AND the said parties of the first part hereby covenant that they will warrant specially the property hereby conveyed and that they will execute such further assurances of said land as may be requisite.

WITNESS the hands and seals of the within named parties of the first part  
WITNESS:

*as to all*

\_\_\_\_\_

*Marlene C. Hager*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*John H. [unclear]* (SEAL)

*[unclear]* (SEAL)

*[unclear]* (SEAL)

*[unclear]* (SEAL)

*[unclear]* (SEAL)

*[unclear]* (SEAL)



STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 26th day of February, 1969, before me, a Notary Public of the State aforesaid, personally appeared SIDNEY R. TINLEY, JR. and VIRGINIA P. TINLEY, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

*Ethel L. Walmer*  
Ethel L. Walmer, Notary Public  
My commission expires: July 1, 1969

STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 26th day of February, 1969, before me, a Notary Public of the State aforesaid, personally appeared CATHERINE BYRNE DOEHLER and EDWARD A. DOEHLER, her husband, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

*Ethel L. Walmer*  
Ethel L. Walmer, Notary Public  
My commission expires: July 1, 1969

STATE OF MARYLAND, County of Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 26th day of February, 1969, before me, a Notary Public of the State aforesaid, personally appeared MARY EDNA BUSCH, single, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

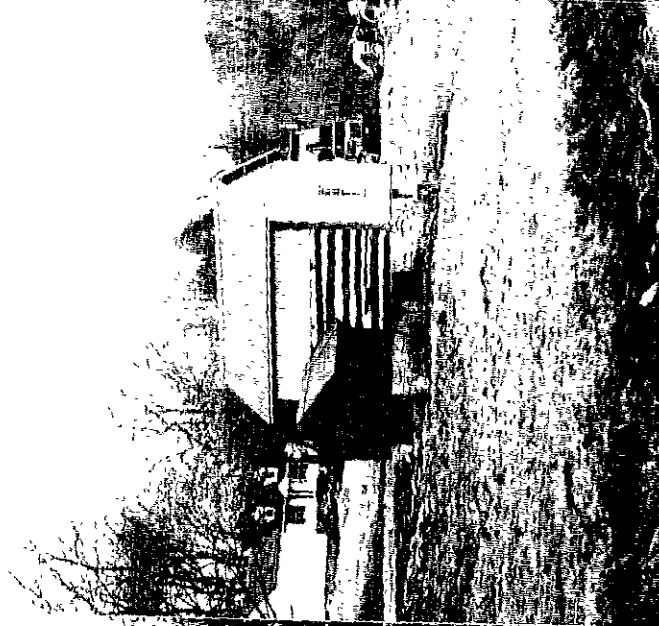
WITNESS my hand and Notarial Seal.

*Ethel L. Walmer*  
Ethel L. Walmer, Notary Public  
My commission expires: July 1, 1969



A, Looking NW at Vespering from W/S of Erna Rd.

17234  
Erna Rd.



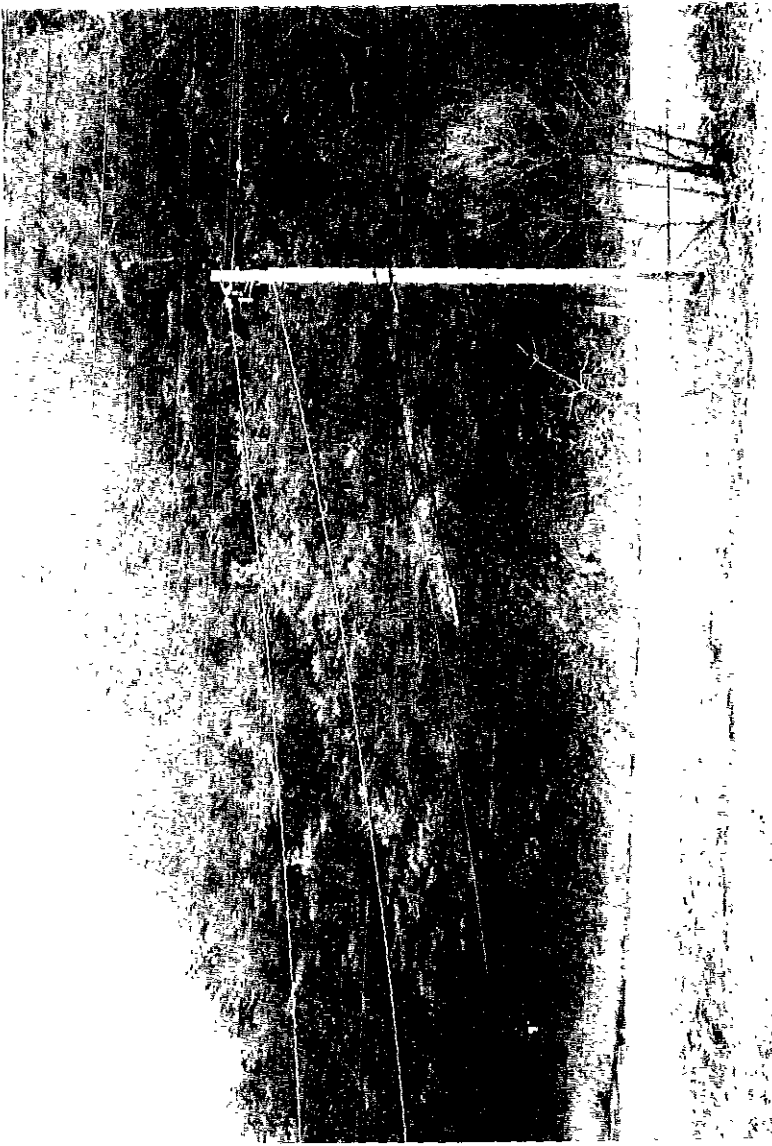
17236  
Erna Rd.  
(Background)

The Well Property

December, 1996



Looking NW from W/S of Erna Rd.



End Road from Bell Barn  
 - not "usual" Falls Road.

↑ East  
 A S T

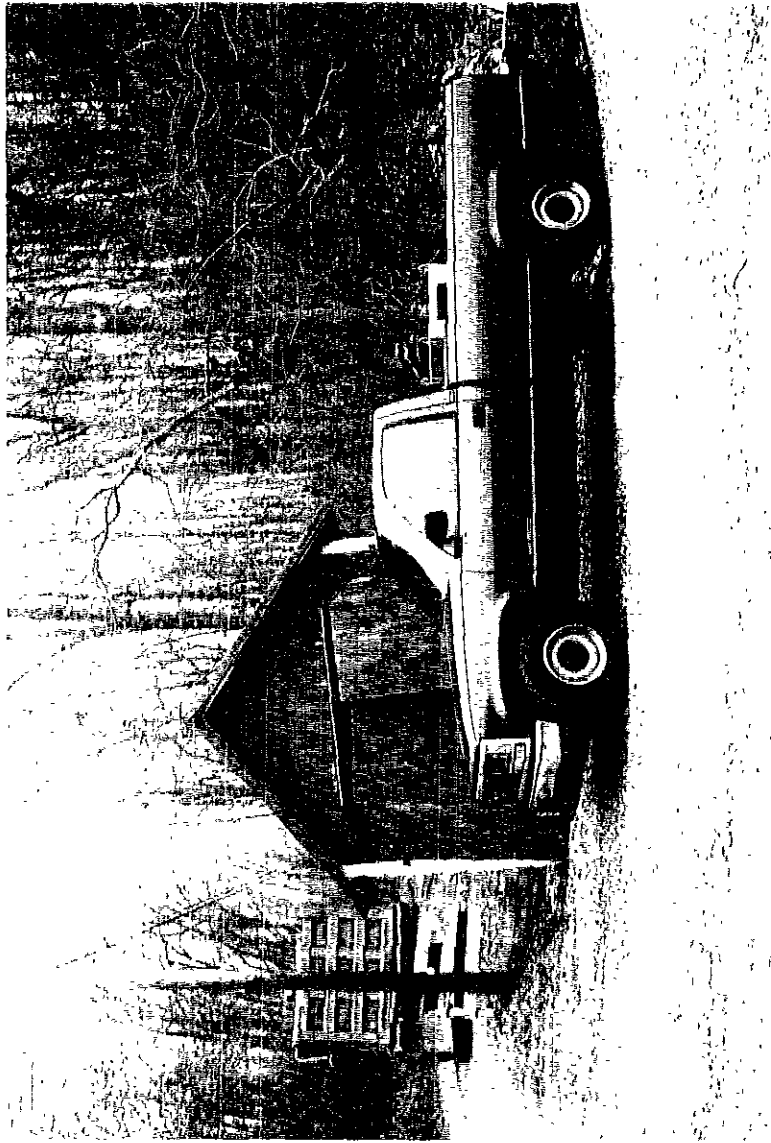


→ South To Mt Carmel Road.





Q. View of  
North to Falls Road



C. Garage at entrance road.

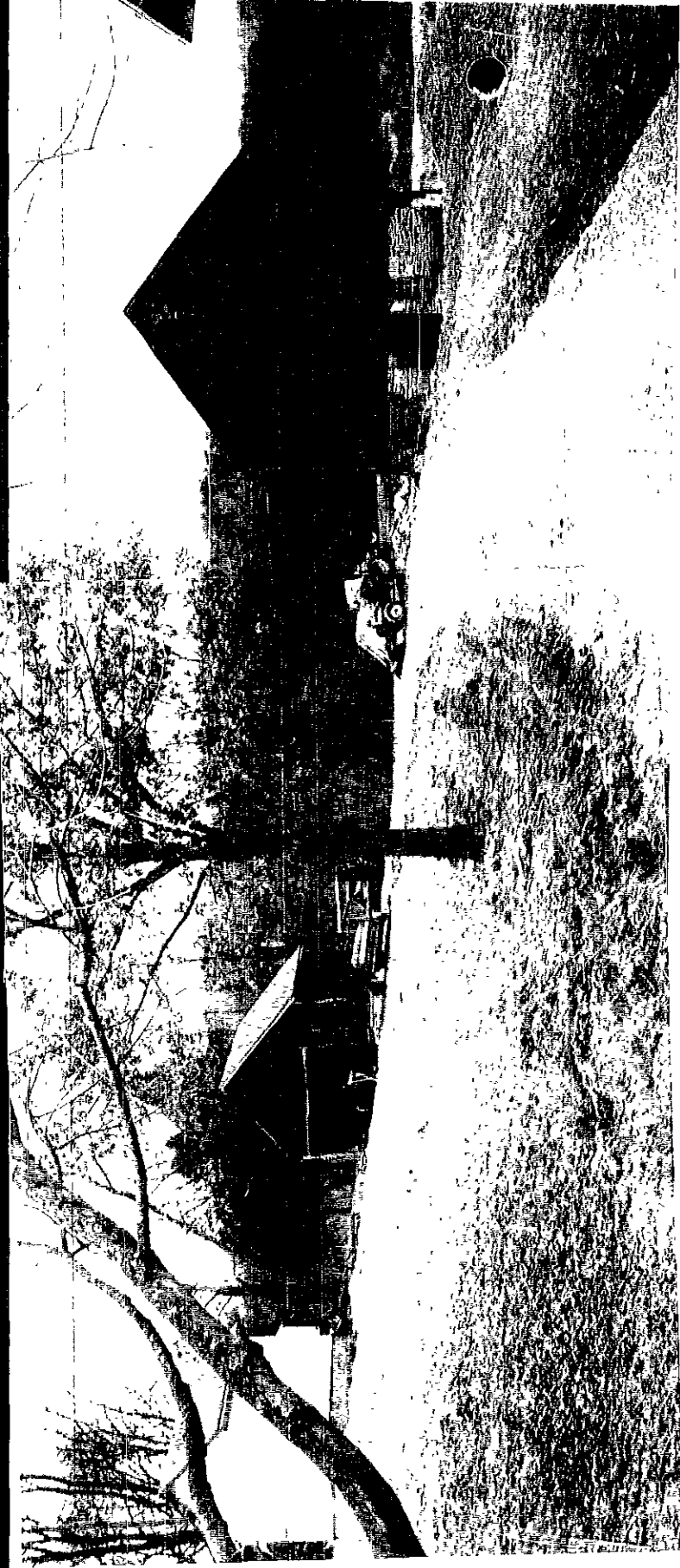


D. Bridge at Bell Entrance Road.



South to Mount Carmel Road.

E. →  
 Looking Wat shed,  
 T tractor shed, shed and  
 Barn. →



F. → Bell Brewery - Log Cabin - 17334  
 and shed





G. Looking SE Toward Ema Rd from in  
front of Log Cabin House,  
14234 Ema Rd



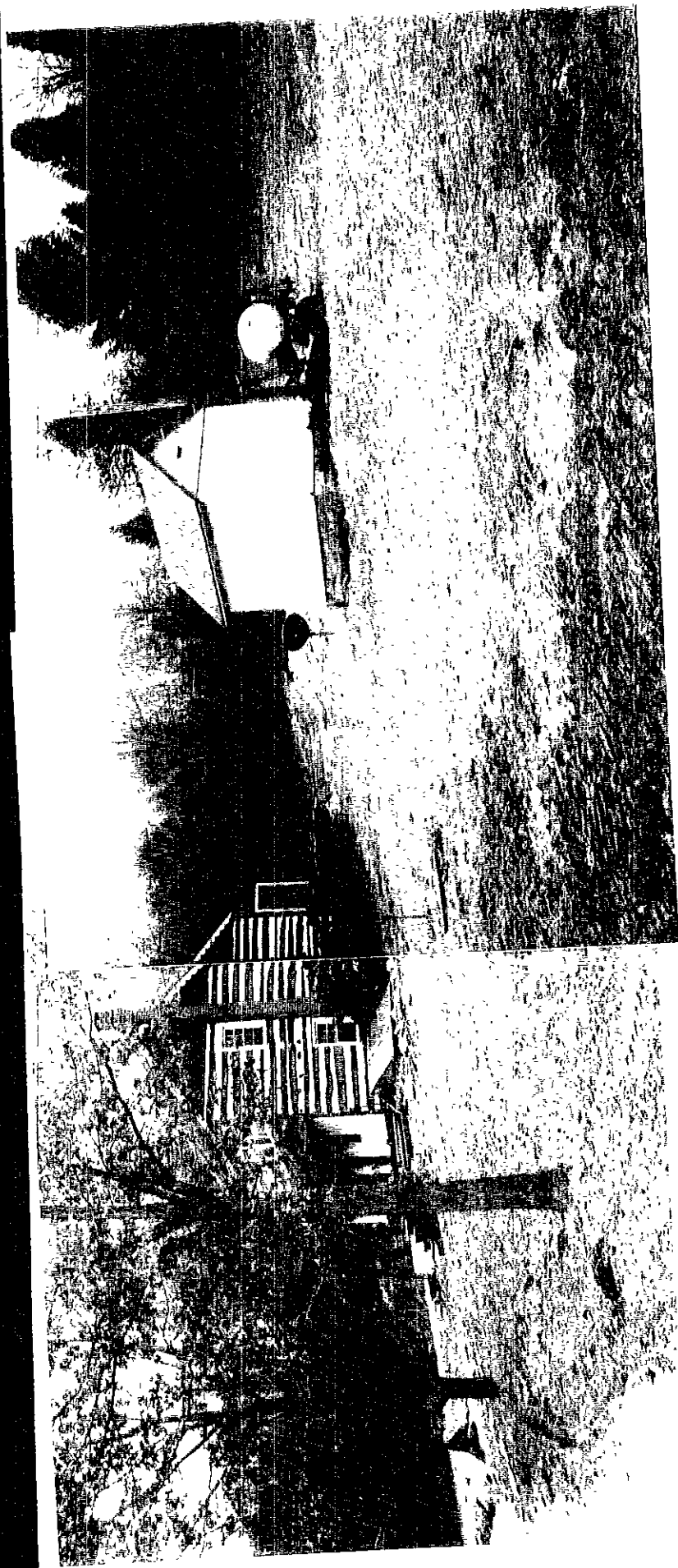
H. Shed on E/sof Driveway from in  
front of Log Home, 17234  
Ema Rd.



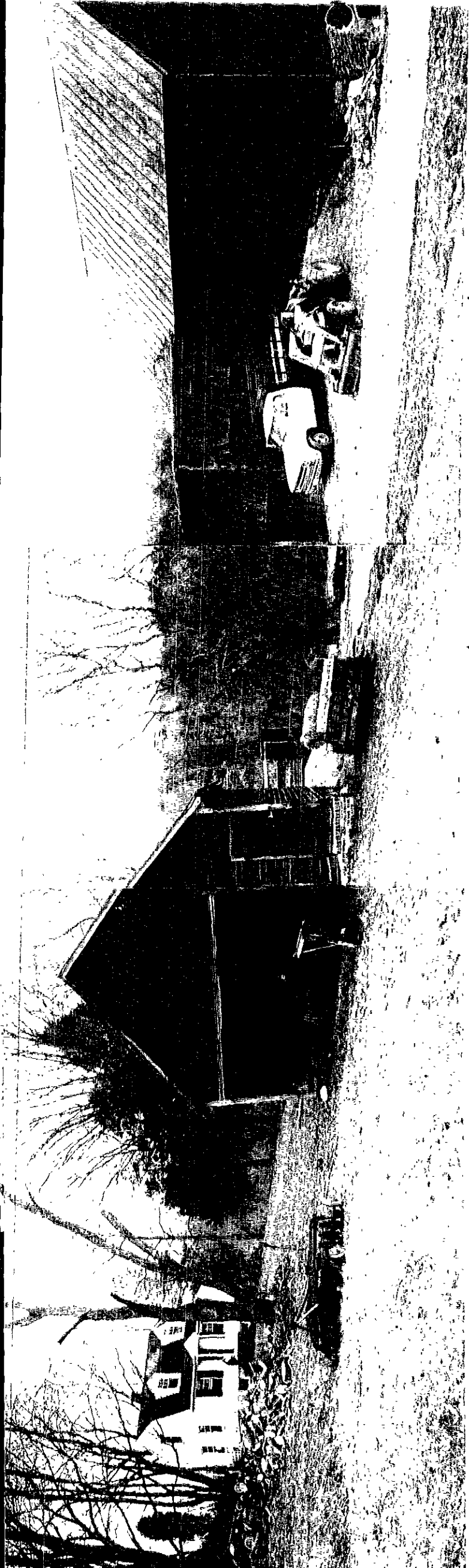
L. Shed, Driveway

Log Cabin Road  
17324 Anna Rd.

Shed.

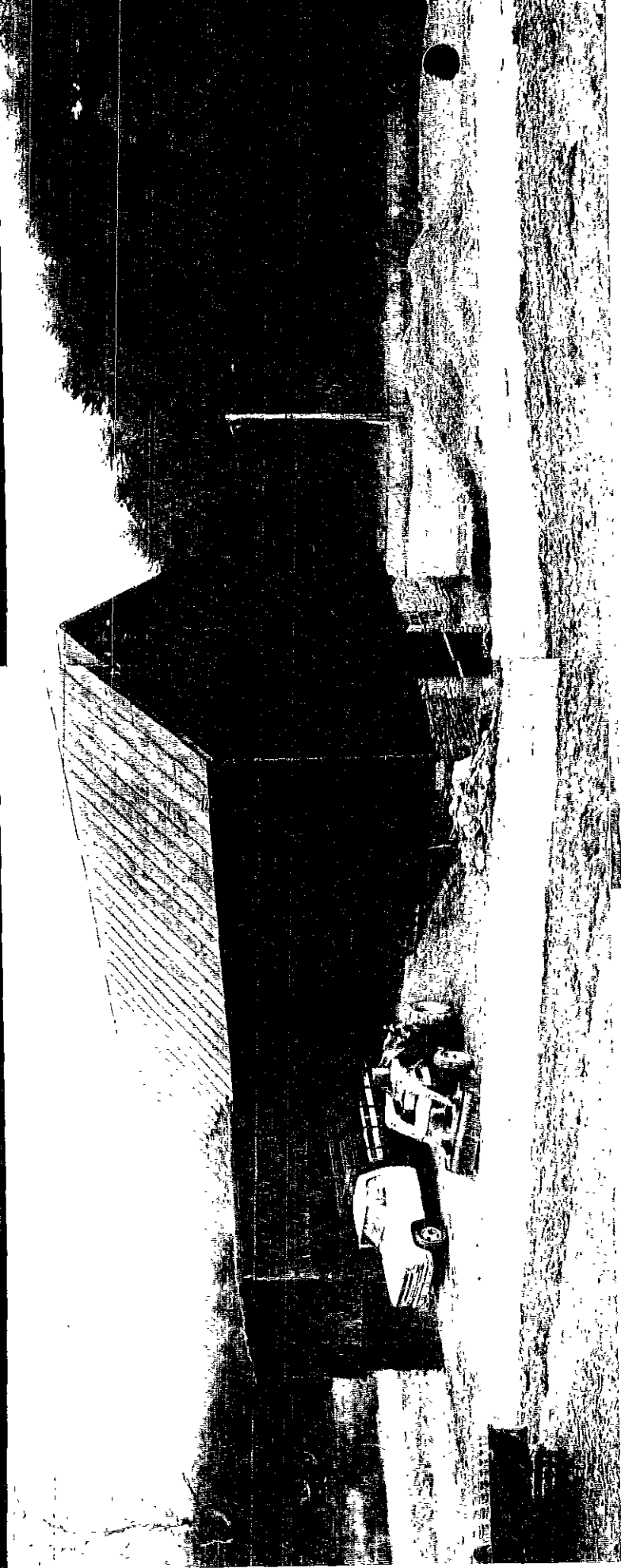


J. Close of 17324 and shed.  
W



K. 17326 Erna Road on B&E Land  
Tractor Shed. Shed. Barn - Partly on B&E Land.



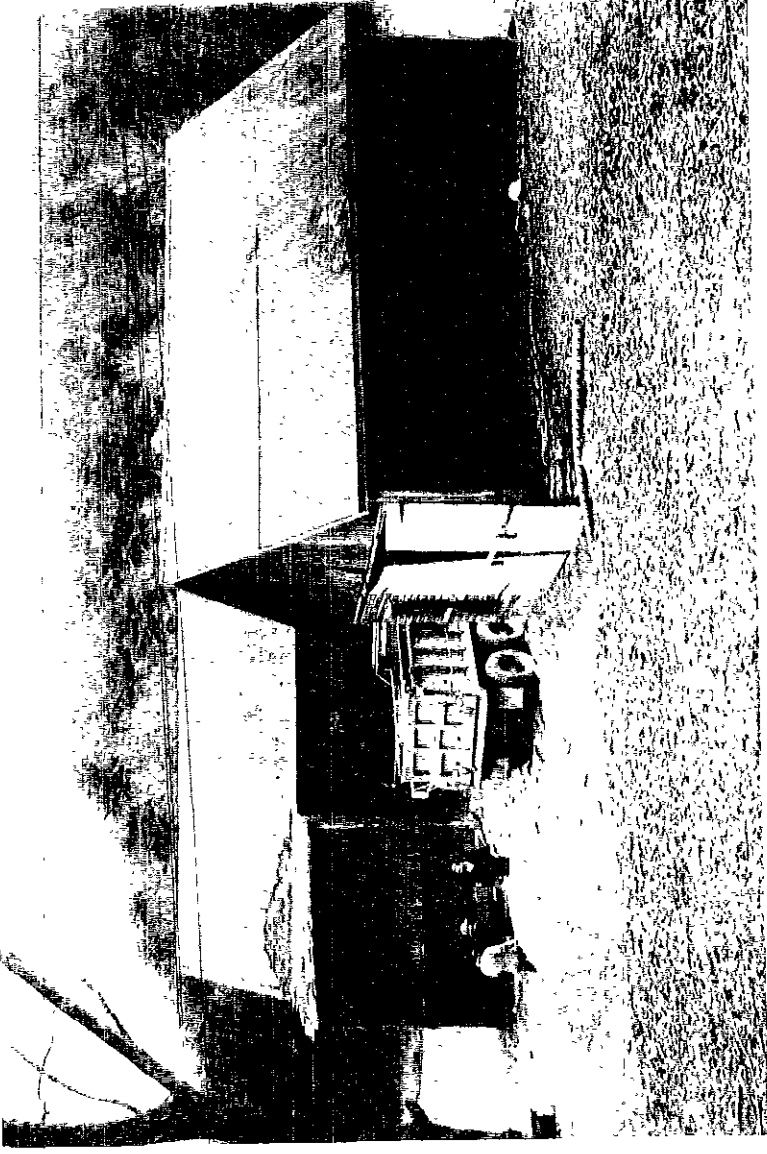


*J. Baur und Erna Rd. im Hintergrund*



M. 11/5 of Barn and Tractor  
Shed.

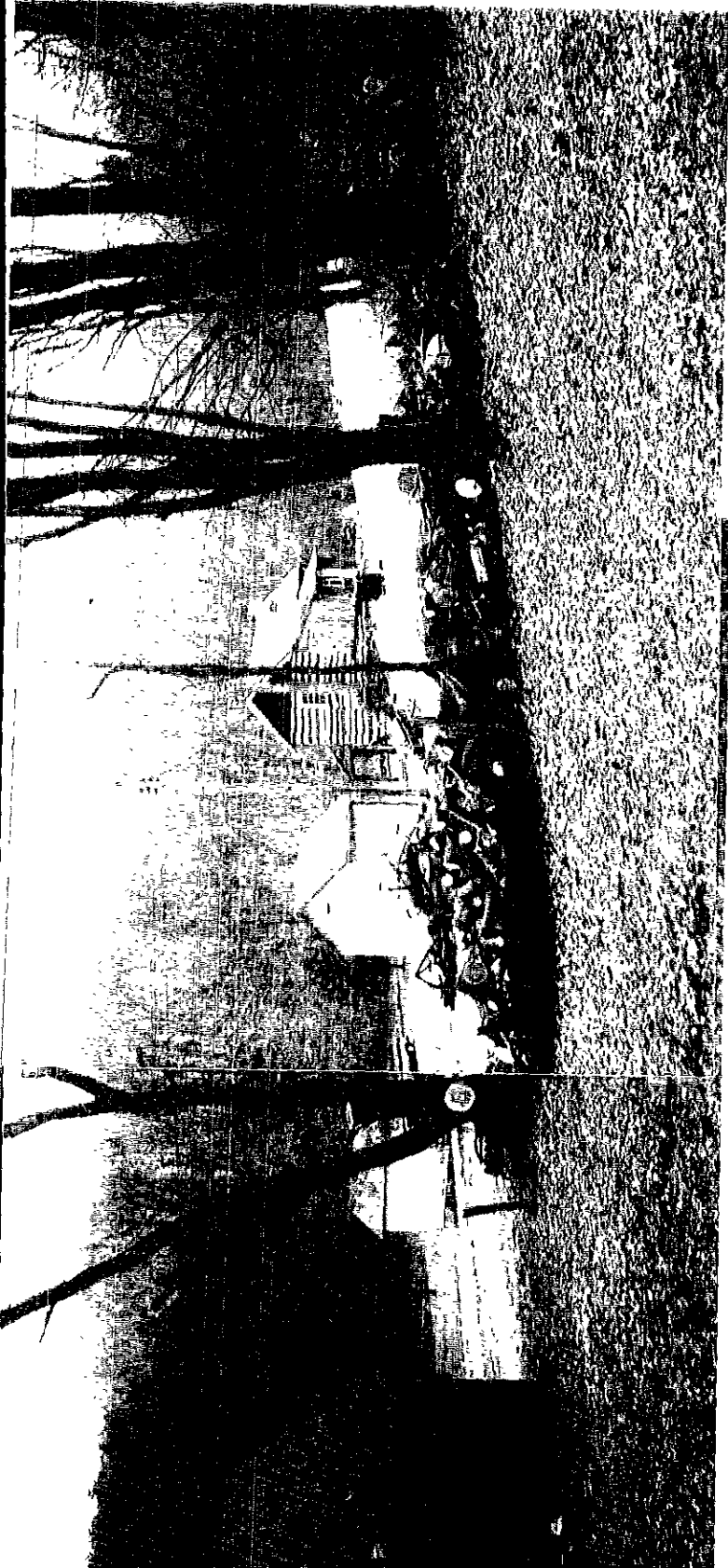
Corner of Dump Truck  
about on  
B6 & E line  
to left - where  
men are standing



M. Walter Bell pointing  
out B6 & E line,  
only corner on  
Bell land -

17 326 Eona Del.

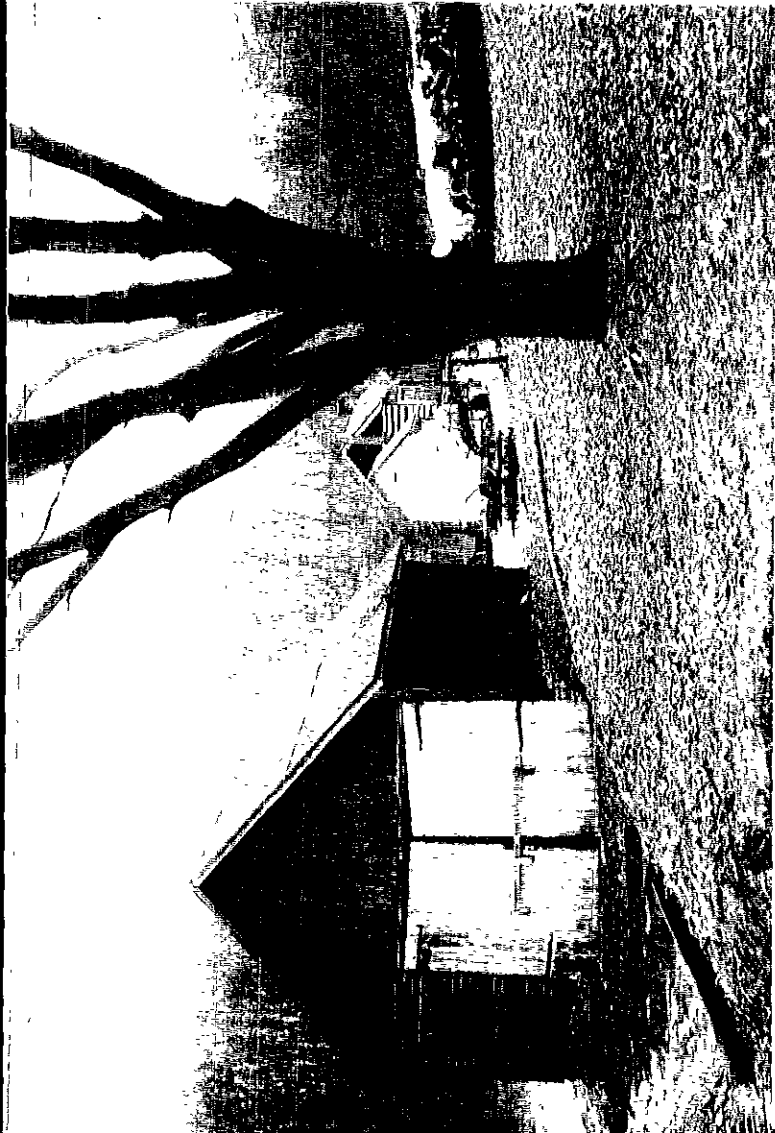




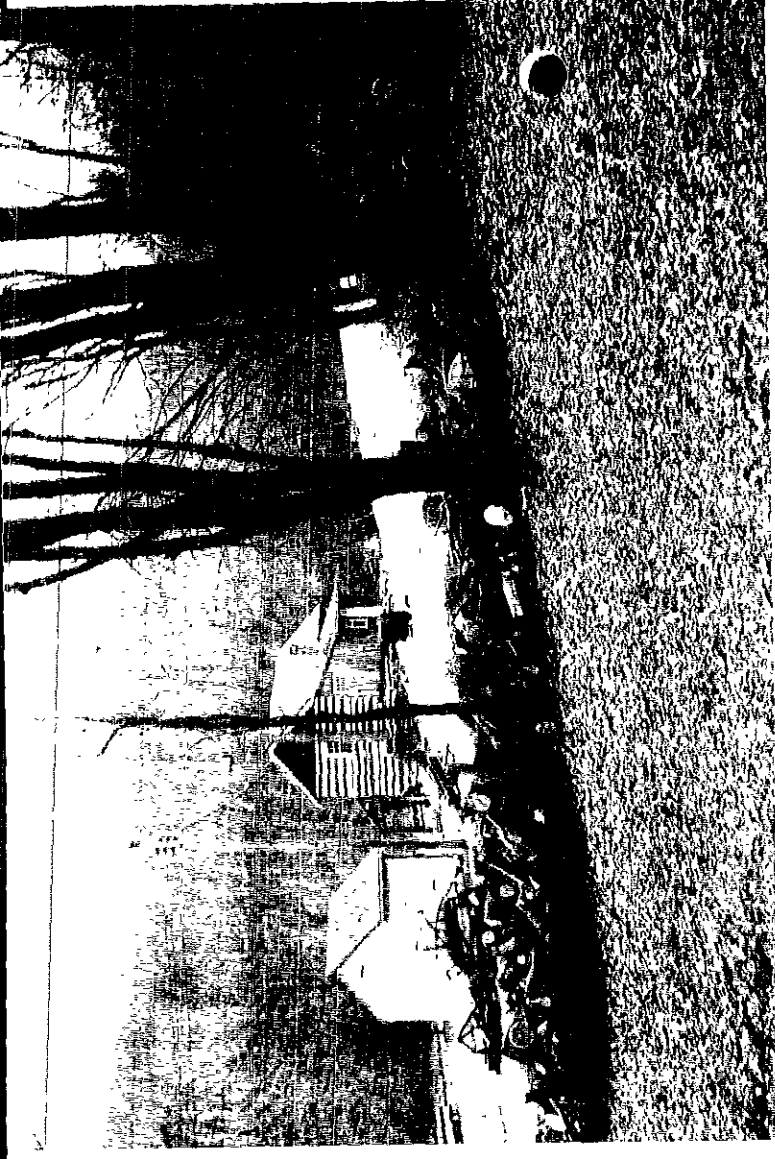
O, Tractor Shed, two shed and rear of 17324 looking  
SE from 17326 Ema Rd.



W. Rear and NWs  
of 17326 Ema  
Rd., all over  
NW & E land.



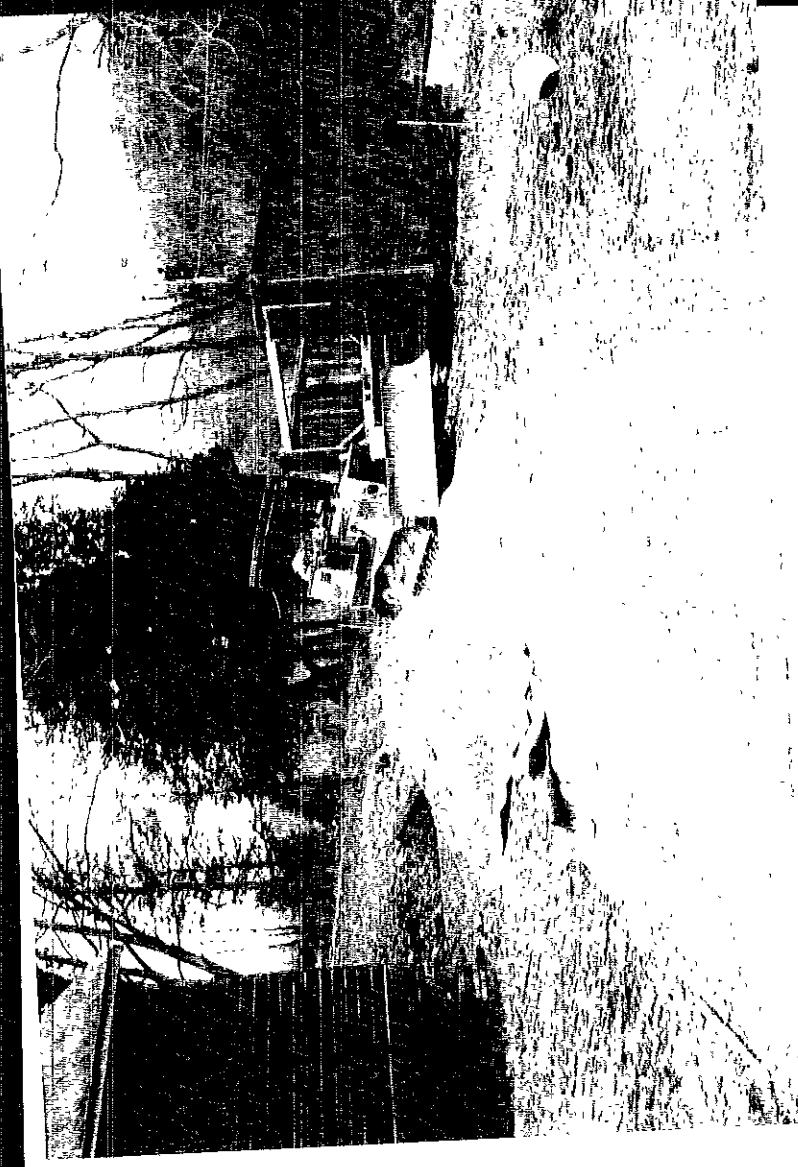
Q. 2 sheds and 17324 Erna Rd. looking  
South from 17326 Erna Rd.



R. Same, closer view



5. Small shed and Barn looking  
North.



7. Corner of Tractor shed and roofless  
shed looking NW.



V.D.G. & E. Lund from 17324 yard looking N.W.



7/10 5 x E Look from 1732 1/2 yard looking N.W.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 13, 1998

## NOTICE OF ZONING HEARING

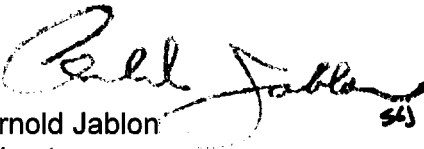
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-229-SPHA  
17234 & 17236 Evna Road  
W/S Evna Road, NW/S BG&E Tower Line  
7th Election District - 3rd Councilmanic District  
Legal Owner: E. Walter Bell, Jr.

|                   |                |      |         |            |   |
|-------------------|----------------|------|---------|------------|---|
| Post-it® Fax Note | 7671           | Date | 4-17    | # of pages | 1 |
| To                | Deborah Dopkin |      | From    | Sophia     |   |
| Co./Dept.         |                |      | Co.     |            |   |
| Phone #           |                |      | Phone # | 887-3517   |   |
| Fax #             | 494-8082       |      | Fax #   |            |   |

Special Hearing and Variance petitions before the County Board of Appeals of Baltimore County REMANDED to the Zoning Commissioner for Baltimore County.

HEARING: Tuesday, May 12, 1998 at 11:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue

  
Arnold Jablon  
Director

c: Deborah C. Dopkin, Esquire  
E. Walter Bell, Jr.  
Gerhold, Cross & Etzel, Ltd.  
People's Counsel for Baltimore County  
Valleys Planning Council

**SIGN POSTING NOT  
REQUIRED FOR THIS  
REMAND** ucl  
4-17-98

- NOTES: (1) **~~YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 27, 1998.~~**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

MICROFILMED



**Baltimore County**

Department of Health and

Community and Development

**Development Processing**

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

Re: [illegible]

[illegible]

The County Department of Health and Community and Development is pleased to inform you that your application for a [illegible] has been received and is being processed.

Enclosed for you are the following documents:

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

*[Handwritten signature]*  
[illegible]  
[illegible]

The County Department of Health and Community and Development is pleased to inform you that your application for a [illegible] has been received and is being processed. The following documents are being processed:

1. [illegible]

2. [illegible]

*[Handwritten signature]*

*[Handwritten signature]*  
[illegible]  
[illegible]

3. [illegible]

4. [illegible]

*[Handwritten signature]*  
[illegible]

5. [illegible]

6. [illegible]

7. [illegible]

*[Handwritten signature]*  
[illegible]

8. [illegible]

9. [illegible]

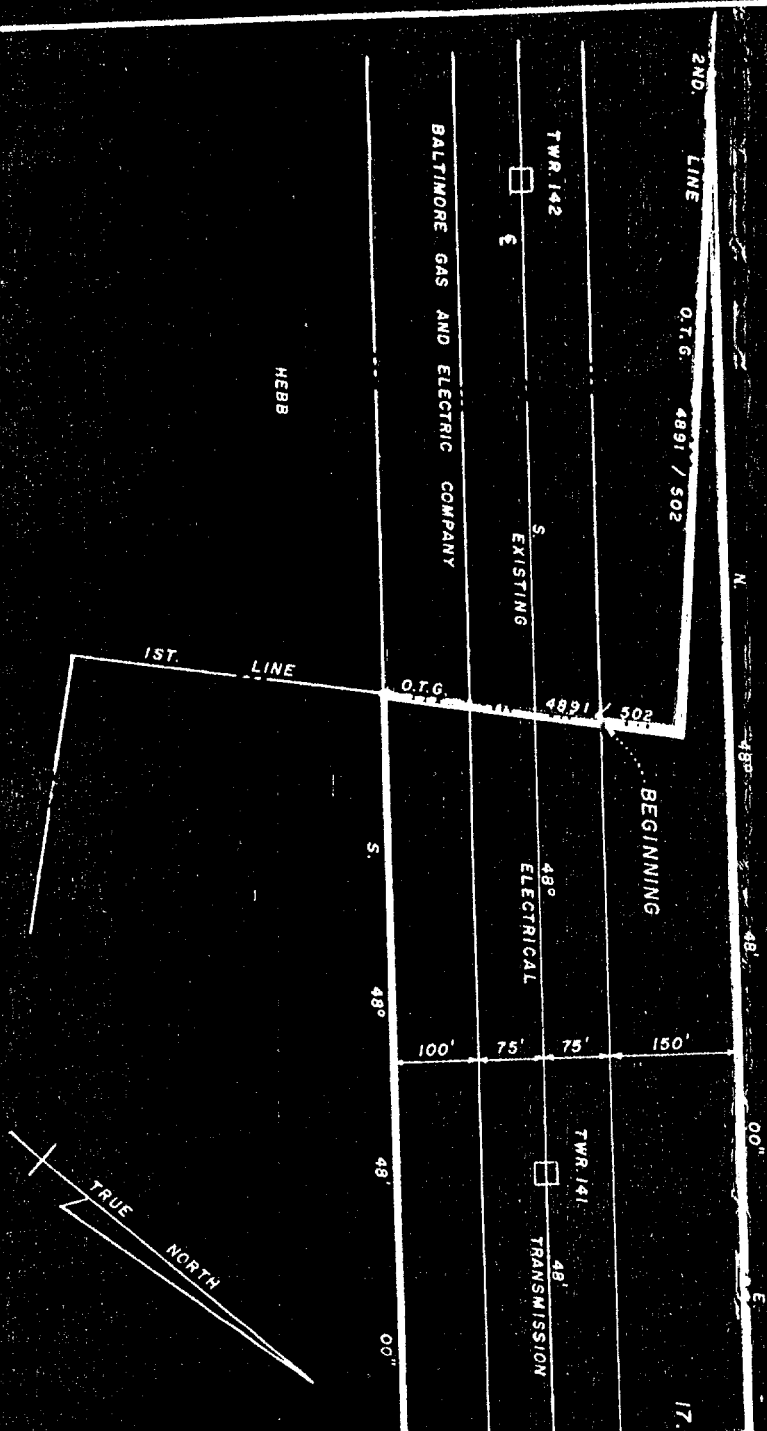
10. [illegible]

11. [illegible]

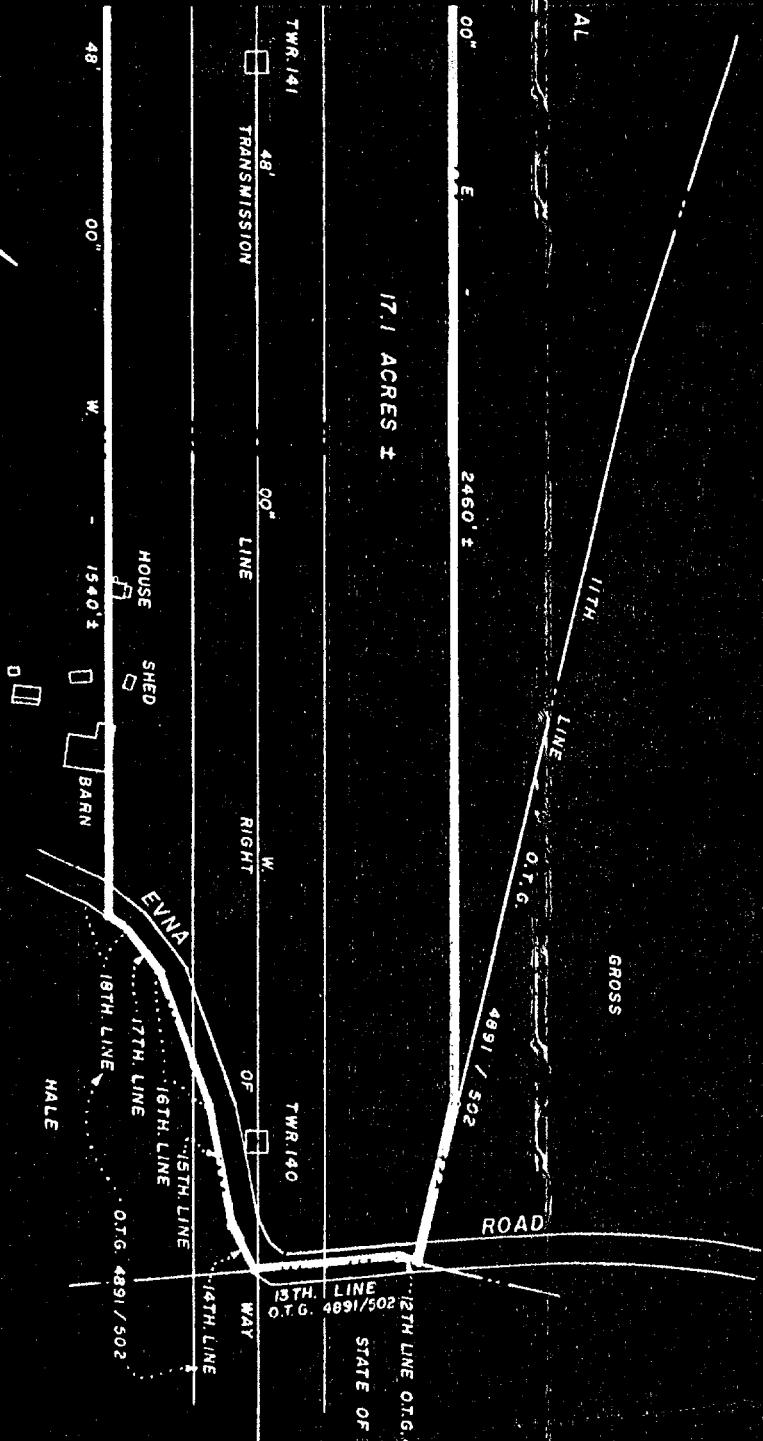
12. [illegible]



PROPERTY OF  
CATHERINE BYRNE DOEHLER, ET AL



11983 - B  
PARCEL 34



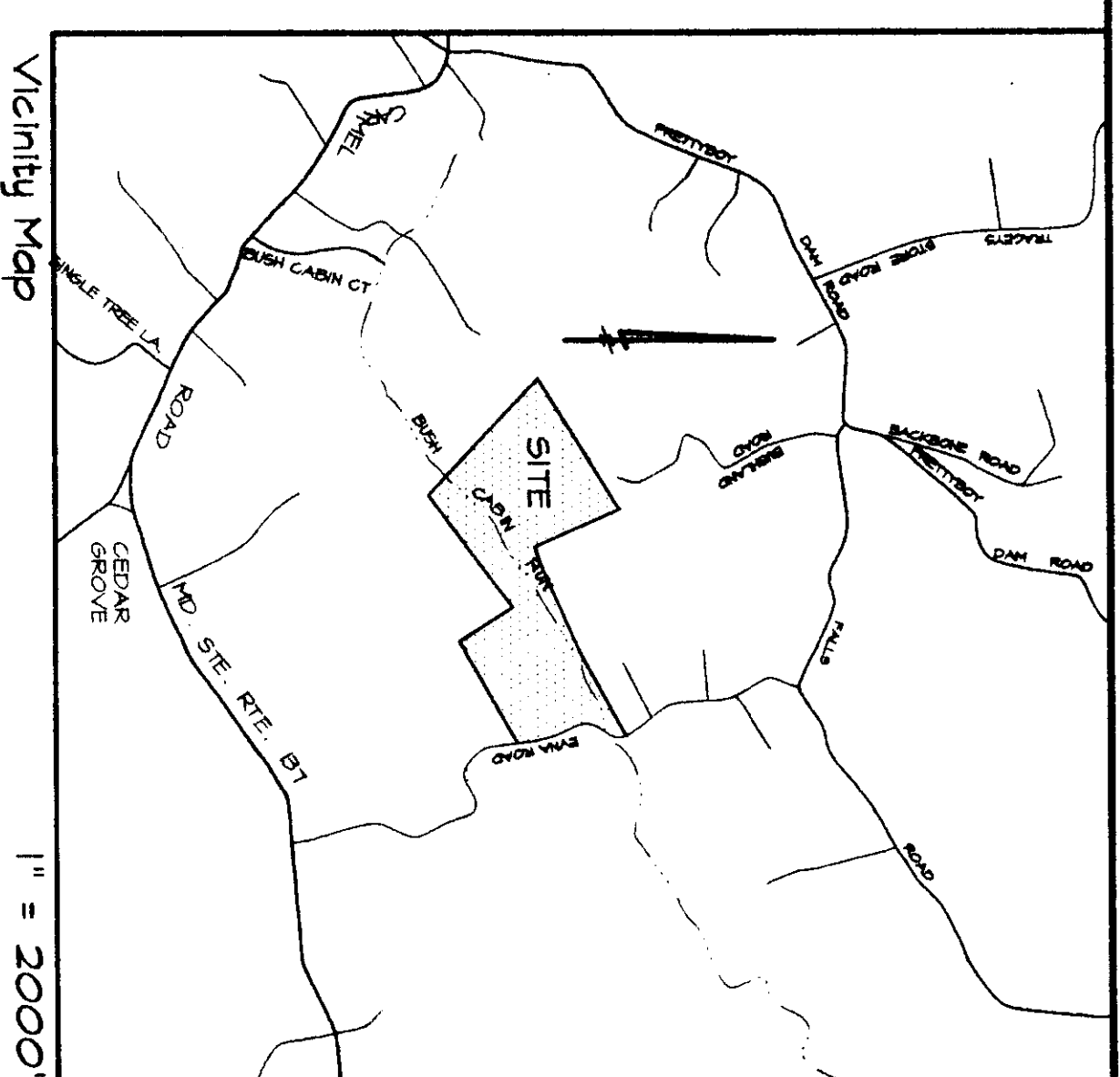
PLAN SHOWING PROPERTY TO BE  
ACQUIRED FROM  
CATHERINE SYRNE DOEHLER, ET AL  
7TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

SCALE 1" = 200 FT.  
DATE 11-18-68  
CHECKED \_\_\_\_\_ APPROVED \_\_\_\_\_

Rec'd for record MAR 10 1969 at 1-P W.  
Per Dr. J. T. Connell, Clerk

Mailed to THE TITLE GUARANTEE COMPANY  
Receipt No. 236760 \$ 24.50



 $l'' = 2000'$ 

REQUESTED VARIANCES - BELL PROPERTY

VARIANCES FROM SECTION 1005.4B.2 AND REQUESTED FOR ALL EXISTING 3100C 1005.4B.2

FEET IN LIEU OF THE REQUIRED TWENTY-FIVE FEET.  
FEET IN LIEU OF THE REQUIRED TWENTY-FIVE FEET.  
FEET IN LIEU OF THE REQUIRED TWENTY-FIVE FEET.  
FEET IN LIEU OF THE REQUIRED TWENTY-FIVE FEET.

SHED 4; A SETBACK OF FIFTEEN (15) FEET IN LIEU OF THE REQUIRED TWENTY-FIVE (25) FEET

PROPERTY (DWELLING #1236) ENVA ROAD AND ELECTRICAL TRANSMISSION TOWERLINE:

A STRIPBACK OF ZIRPOL (C) FILM IN LINE OF THE RECORDED TAPES IN TAPE (28) REVEALS THE FOLLOWING INFORMATION:

100

1

OWNER/DEVELOPER

ABINGDON, MARYLAND 21009

PLAT TO ACCOMPANY PETIT

# A ZONING VARIANCE REQUEST

MINOR SUBDIVISION

**FORMERLY**

IN MARYLAND, INC.

Deed Ref: S.M. No. 1189 + 8118 C4  
Tax Account No. 07-30-045140

MICROFILMED  
Zoned R.C. 4

BA/TIMPE COUNTY MARY

Scale: 1" = 200'

OCTOBER

# DEKOR, KONST + KUNST

Price 100  
320 East Tomsontown Boulevard

(410) 623-4410



## DETAIL

## SYMBOLS LEGEND

5. SOIL LINE  
 4. MOODS LINE  
 3. LIMIT OF HETLANDS  
 2. LIMIT OF DISTURBANCE  
 1. EXISTING PAVING  
 PROPOSED PAVING  
 PROPOSED DRAINING

5. EXISTING WELL  
 4. EXISTING CLEAMOUT  
 3. PROPOSED PREG TEST  
 2. PASSED PREG TEST  
 1. FAILED PREG TEST  
 PROPOSED WELL AREA

## SOIL TYPES & LIMITATIONS

| TYPE      | SEPTIC FILTER FIELDS | HOUSEHOLD W/BACKWATER | STREETS & PARKING |
|-----------|----------------------|-----------------------|-------------------|
| 66424 MB2 | Slight               | Slight                | Moderate, slope   |

[illegible]

SCALE: 1" = 100'

|          |                        |                             |
|----------|------------------------|-----------------------------|
| 5/11/38  | REC'D LIT. RES/3/21/35 | Added                       |
| 11/21/40 |                        | ADDITIONS                   |
| 11/21/46 |                        | VARIANCE & SPECIAL HEARINGS |
| 10/29/46 |                        | REQUESTS ADDED              |
|          |                        | REVISIONS & ADDITIONS       |
| DATE     |                        | REVISION                    |

**GERHOLD, CROSS & EITZEL, LTD.**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
Suite 100  
320 East Townsend Boulevard  
Tombson, Maryland 21286  
(410) 823-4410



